

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON' BLE MS.JUSTICE J. UMA DEVI

WRIT PETITION No.10054 OF 2018

Between:

Nellore Krishna Singh S/o. Subba Singh,
Age: 41 years, Occ: Business, R/o.D.No.27-1-854,
Kakumanuvari Street, behind State Bank of India,
Balaji Nagar, Nellore.

...Petitioner

Vs.

Syndicate Bank, Rep.by its Branch Manager,
15/ 276, Brundavanam, Nellore –524001,
Andhra Pradesh.

... Respondent

For Petitioner : M/s. K. Srinivasa Rao

For Respondent : None

Gist :

Head Note :

Cases Referred : Nil



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ORDER: (per V. Ramasubramanian, J)

The petitioner has come up with the above writ petition challenging a demand notice issued by the bank under Section 13(2) of the Securitization Act, 2002.

2. Heard Mr.K.Srinivasa Rao, learned counsel for the petitioner.

3. The writ petition as against a demand notice issued under Section 13(2) of the Securitization Act, is not maintainable. In response to a demand notice, the petitioner, be it the borrower or guarantor or third party, is entitled to file his objections. Thereafter, the Authorized Officer may pass an order in terms of Sub-Section (3A) of Section 13 of the Act. It is only thereafter that the measures under Section 13 (4) of the Act will be taken. It is only when the measures under Section 13 (4) of the Act are taken that a borrower or a guarantor or a third party will get a cause of action to challenge the same. Until then, what will be on record will only be a demand notice, which is not capable of being challenged.

4. Hence, the Writ Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

April 02, 2018

KTL