

HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.24971 of 2018

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioners in this case reads as under:

“For the reasons stated in the accompanying affidavit filed in support of this writ petition that the Petitioners herein pray that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in demanding to discharge entire balance of amount Rs.15,75,957/- (Rupees fifteen lakhs seventy five thousand nine hundred fifty seven) as per time fixed in Notice dated 19-06-2018 of the 3rd respondent issued under Sec. 13(2) r/w Sec.13(3) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as biased, illegal and void and consequently allow the petitioners herein to discharge aforesaid amount by selling their mortgaged properties mentioned in the above Notice dated 19-06-2018 to secure the ends of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

In terms of the law laid down by the Supreme Court in Punjab National Bank v. Imperial Gift House¹ and Devi Ispat Limited v. State Bank of India², a writ petition would not lie normally against a demand notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Further, it appears that the petitioners made representation dated 29.06.2018 in response to the demand notice issued by the

¹ (2013) 14 SCC 622

² (2014) 5 SCC 762

Corporation Bank and without even awaiting the decision of the bank thereon, they filed this writ petition.

The writ petition is therefore not maintainable on grounds more than one and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

Dt: 20.07.2018.
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