

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2019

CORAM :

The Hon'ble Mrs.VIJAYA.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAIWAMY

W.P. No.26954 of 2004
and WP.M.P.No.32828 of 2004

Raji Ramineni .. Petitioner

-vs-

The Manager,
Tamil Nadu Mercantile Bank Ltd.,
Park Centre, No.25, Venkatnarayana Road,
(Near Dr.Natesan Park), T.Nagar,
Chennai 600 017. .. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the impugned notice dated 05.07.2004 issued by the respondent and quash the same.

For Petitioner : Mr.K.S.Kumar

For Respondent : No appearance

ORDER

(Order of the Court was made by M.DURAIWAMY, J.)

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The petitioner has challenged the notice dated 05.07.2004 issued under Section 13 (2) of the SARFAESI Act.

2.It is settled position that the petitioner cannot challenge the demand notice issued under Section 13 (2) of the said Act. The petitioner shall have a right to challenge the proceedings only if notice is issued under Section 13 (4) of the

said Act. In this view of the matter, since the prayer sought for in the writ petition is premature, we are not inclined to entertain the same.

3.It is also brought to the notice of this Court by the learned counsel for the petitioner that the respondent had filed an original application before the Debts Recovery Tribunal for recovery of the outstanding amount. The learned counsel submitted that the petitioner would work out her remedy before the Debts Recovery Tribunal in the pending proceedings.

In view of the submission made by the learned counsel for the petitioner, the writ petition is dismissed. No costs. Consequently, WP.M.P.No.32828 of 2004 is also dismissed.

Sd/-
Assistant Registrar

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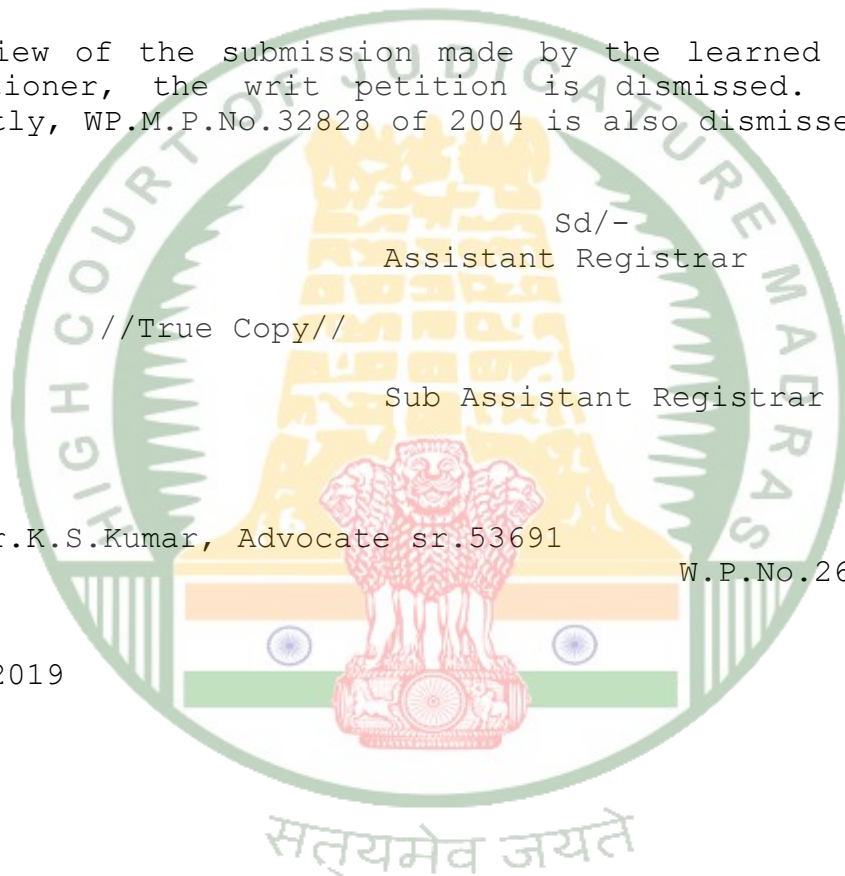
Sub Assistant Registrar

sra

+lcc to Mr.K.S.Kumar, Advocate sr.53691

W.P.No.26954 of 2004

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