

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.28746 of 2004 and
W.M.P.Nos.34905 of 2004 & 2592 of 2005

S.C.Rajan Daniel

.. Petitioner

v.

1 The General Manager,
State Bank of India, North Beach Road,
Chennai - 600 001

2 Branch Manager,
State Bank of India, Pasumalai Branch,
Madurai - 625 004.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the entire records leading to the issue of under section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, dated 17.04.2004 on the file of the 2nd respondent in respect of the Housing Term Loan pertaining to the petitioner's house property situated at Nos.17, 17A, G.S.T. Road, Pasumalai, Madurai and the credit facility in respect of the petitioner's firm M/s. MELWYN INFO TECH and quash the same and direct the respondents to consider the reply given by the petitioner to the above notice dated 14.09.2004 and permit the petitioner to pay the outstanding installment dues within 6 months and reschedule and regularize the above two loan facilities with current rate of interest.

For Petitioner : Mr.K.Sridhar

For Respondents : Mr.Rajnish Pathiyil

O R D E R

(Order of the Court made by M.DURAI SWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records

leading to the issuance of notice under section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, dated 17.04.2004 on the file of the 2nd respondent in respect of the Housing Term Loan pertaining to the petitioner's house property situated at Nos.17, 17A, G.S.T. Road, Pasumalai, Madurai and the credit facility in respect of the petitioner's firm M/s. MELWYN INFO TECH, to quash the same and direct the respondents to consider the reply given by the petitioner to the said notice dated 14.09.2004 and permit the petitioner to pay the outstanding installment dues within 6 months and reschedule and regularize the above two loan facilities with current rate of interest.

2. It is settled position that aggrieved party can challenge the proceedings initiated only after the issuance of section 13(4) notice. Therefore, the demand notice issued under section 13(2) cannot be challenged.

3. Since the petitioner has challenged section 13(2) notice in this Writ Petition, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1 The General Manager,
State Bank of India, North Beach Road,
Chennai - 600 001.

2 Branch Manager,
State Bank of India, Pasumalai Branch,
Madurai - 625 004.

+1cc to Mr.K.Sridhar, Advocate, S.R.No.76300

+1cc to Mr.Rajnish Pathiyil, Advocate, S.R.No.76337

W.P.No.28746 of 2004 and
W.M.P.Nos.34905 of 2004 & 2592 of 2005

RSI(CO)
CS/03/10/2019