

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.21405 of 2019

P.V.R.S.Mani Kumar ... Petitioner

-vs-

1. Indian Bank,
No.812, 1st Floor,
E.V.R.Periyar High Road,
Chennai-600 010.
2. Encore Asset Reconstruction Company Pvt. Ltd.,
15th Floor, Eros Corporate Towers,
Nehru Place,
New Delhi-110 019. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the second respondent relating to recovery measures taken under the provisions of the SARFAESI Act, 2002 including demand notice (EARC/18-19/726) dated 04.01.2019 against the petitioner and quash the same.

For Petitioner : Mr.T.V.Suresh Kumar

ORDER

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

The petitioner has filed the above writ petition challenging the demand notice dated 04.01.2019 issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

2. It is settled position that the petitioner cannot challenge the notice issued under Section 13(2) of the SARFAESI Act. Filing of writ petition challenging the notice issued

under Section 13(2) is premature. The cause of action to challenge the proceedings would arise only after issuance of a notice under Section 13(4) of the SARFAESI Act.

3. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P.No.20608 of 2019 is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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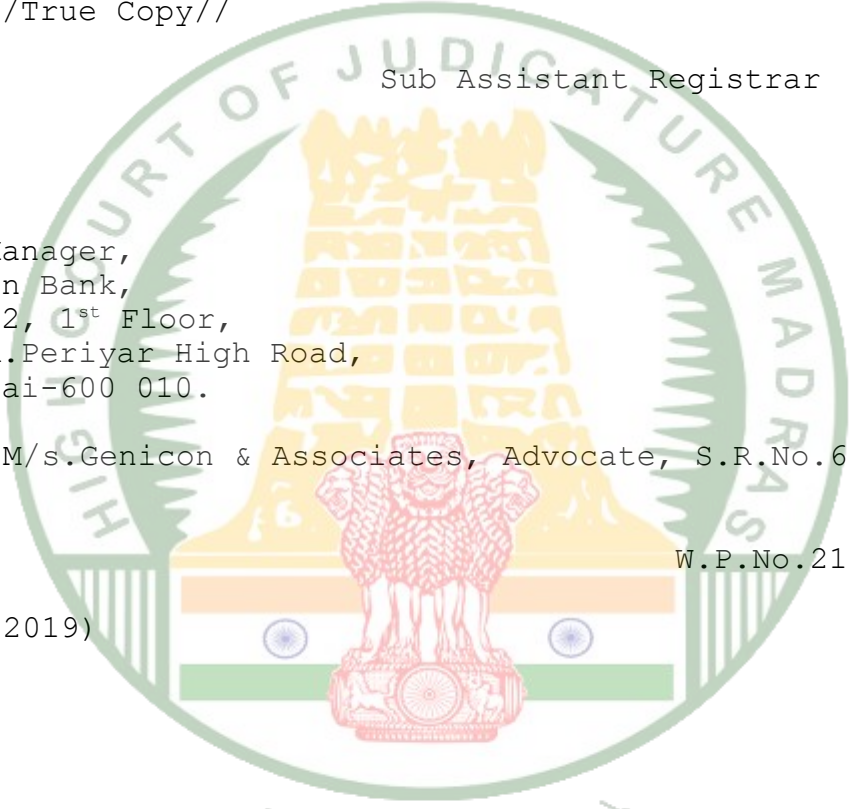
To

The Manager,
Indian Bank,
No.812, 1st Floor,
E.V.R.Periyar High Road,
Chennai-600 010.

+2 ccs to M/s.Genicon & Associates, Advocate, S.R.No.64298

W.P.No.21405 of 2019

CP (CO)
SSM(27/08/2019)



सत्यमेव जयते

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