



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.15956 of 2019

and

WMP (MD) No.12665 of 2019

Riju Mahadevan

: Petitioner

Vs.

1.The Authorized Officer,
Karur Vysya Bank Limited,
16, A.A.Road,
Gnanaolivupuram, Madurai.

2.The Branch Manager,
Marthandam Branch,
Karur Vysya Bank Limited,
Marthandam,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records of the impugned notice U/s.13(2) of SARFAESI Act, dated 15.04.2019 issued by the first respondent and the consequential notice u/s.13(4) under SARFAESI Act issued by the first respondent, dated 25.06.2019 and quash the same as illegal and consequently direct the second respondent to remove the NPA classification against petitioner's mentioned accounts and may regularize the account of the petitioner vide Open Cash Credit (1768 223 44) and Term Loan (1768 722 36) after receiving the payment gives if any.

For Petitioner

: Mr.K.P.Narayanakumar

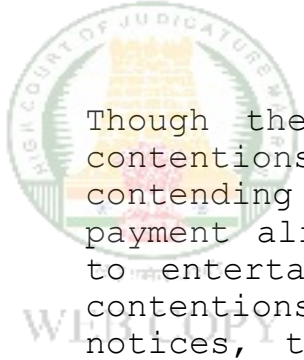
O R D E R

[Order of the Court was made by K.RAVICHANDRABAABU, J.]

Challenge made in this writ petition is against the notices issued under Sections 13(2) and 13(4) of the SARFAESI Act, dated 15.04.2019 and 25.06.2019, respectively. Consequently, the petitioner seeks for a direction to remove the NPA classification against petitioner's account and regularize the account with Open Cash Credit.

2.Heard the learned counsel appearing for the petitioner.

3.The challenge made in this writ petition is against the notices issued under Sections 13(2) and 13(4) of the SARFAESI Act.



Though the learned counsel for the petitioner raised very many contentions touching upon the merits of the impugned notices, by contending that such notices are not at all warranted in view of the payment already made by the petitioner, this Court is not inclined to entertain this writ petition and consider the merits of the contentions raised therein, as admittedly as against the impugned notices, the petitioner has an appellate remedy before the Debt Recovery Tribunal by way of filing appropriate application. It is therefore open to the petitioner to approach the Debt Recovery Tribunal and file such application/appeal by raising all the contentions. Instead of doing so, filing this writ petition, cannot be appreciated as the proper course of action.

4. Accordingly, without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of by granting liberty to the petitioner to work out his remedy before the Debt Recovery Tribunal by way of filing appropriate application. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Authorized Officer,
Karur Vysya Bank Limited,
16, A.A. Road,
Gnanaolivupuram, Madurai.

2. The Branch Manager,
Marthandam Branch,
Karur Vysya Bank Limited,
Marthandam,
Kanyakumari District.

+1cc to Mr. K.P. NARAYANA KUMAR, Advocate, SR.No. 76693

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22.07.2019

RJ2

KK/SAR/23.07.2019/2P-4C