



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P. (MD) No.21512 of 2019
and W.M.P. (MD) No.18173 of 2019**

Sathiyanesan

... Petitioner

-VS-

- 1.Indian Overseas Bank,
Rep. by its Authorized Officer,
Regional Office,
552/3, M.S.Road, Vetturani Madam,
Nagercoil - 629 003,
Kanyakumari District.
- 2.The Branch Manager,
Mangarai Branch,
4/108-A, Mangarai (Via),
Karungal, Mangarai - 629 157,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent's paper notification issued u/s 13(4) of the SARFAESI Act, dated 19.09.2019, published in the Daily Thanthi Tamil Newspaper on 25.09.2019 and quash the same as in violation of Section 31(i) of the SRFAESI Act and consequently direct the respondents not to take coercive steps without due process of law.

For Petitioner : Mr.G.Sundaram

For 1st Respondent : Mr.N.Dilip Kumar

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.G.Sundaram, learned counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned counsel appearing for the first respondent.



2.This Writ Petition has been filed challenging the 1st respondent's paper notification issued under Section 13(4) of the SARFAESI Act, dated 19.09.2019, published in the Daily Thanthi Tamil Newspaper on 25.09.2019.

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3.It is submitted by the learned counsel appearing for the petitioner that the petitioner has initiated separate proceedings before the Debts Recovery Tribunal challenging the possession notice.

4.In view of the above, this Writ Petition is dismissed with liberty to the petitioner to raise all the contentions raised in this Writ Petition before the said forum. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

sj

+1CC TO MR.G.SUNDARAM, Advocate Sr. No.96373

+1CC TO MR.N.DILIP KUMAR, Advocate Sr. No. 96036

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SCR(CO)

TR(18.11.2019) 2P 3C