

HONOURABLE SRI JUSTICE SANJAY KUMAR

AND

HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.15217 OF 2018

ORDER: (Per Honourable Sri Justice Sanjay Kumar)

Sri Chaitanya Educational Trust, Hyderabad, is a tenant in the premises of the secured asset against which the Syndicate Bank, Hyderabad, initiated proceedings under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'). It is the petitioner in this writ petition.

2. Significantly, the petitioner Trust chose to file this writ petition against the demand notice dated 14.06.2017 issued by the bank under Section 13(2) of the SARFAESI Act. It is well settled that no writ petition would lie against such a demand notice (See: **Punjab National Bank v. Imperial Gift House**¹ and **Devi Ispat Limited v. State Bank of India**²). Even if the petitioner Trust entered into a tripartite agreement with the bank and its landlord, the borrower, it would have no *locus* to challenge a demand notice in the light of the law laid down by the Supreme Court in the aforesaid judgments. The Writ Petition is accordingly dismissed on this short ground.

¹ 2013 (14) SCC 622

² 2014 (5) SCC 762

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

K. LAKSHMAN, J

September 30, 2019.

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