



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.10809 of 2020

and W.M.P. (MD) No.9512 of 2020

M.Malaiyappan

... Petitioner

Vs.

1.The Managing Director and Chief Executive Officer,  
Canara Bank, Head Office,  
112, J.C. Road,  
Bangalore,  
Karnataka State - 560 002.

2.The Chief General Manager,  
Canara Bank, (former Syndicate Bank), Circle Office,  
Madurai.

3.The Assistant General Manager cum Authorised Officer  
under SARFAESI Act,  
Canara Bank (Former Syndicate Bank),  
Muthaiah Tower (1st Floor),  
No.1 Royal Road, Cantonment,  
Tiruchirapalli - 620 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 3rd respondent in Ref.No.113651 dated 14.02.2020 under Section 13(2) of the SARFAESI Act, quash the same, and consequently, directing the 3rd respondent management to regularise the Mortgage Loan Account.

For Petitioner : Mr.S.K.Mani

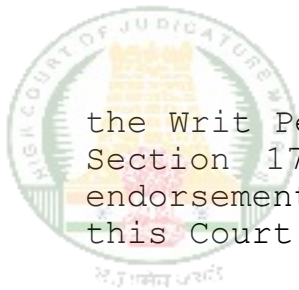
For Respondents 1 to 3 : Mr.Pala Ramasamy

### O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

The Writ Petitioner makes a challenge to the impugned notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2.Mr.S.K.Mani, learned counsel for the petitioner, after arguing for quite some time seeks leave of this Court to withdraw



the Writ Petition with liberty to avail the alternative remedy under Section 17 of the SARFAESI Act. He also undertakes to make an endorsement to that effect by sending an e-mail to the Registry of this Court.

3.Mr.Pala Ramasamy, learned Standing Counsel accepts notice on behalf of the respondents 1 to 3.

4.In the light of the same, the Writ Petition is dismissed as withdrawn with liberty to work out alternative remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The Registry is directed to return the original impugned notice dated 14.02.2020, to the counsel on record after getting necessary and required acknowledgment. Consequently, connected Writ Miscellaneous Petition is also dismissed. However, in the circumstances of the case, there shall be no order as to the costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

**Copy to :** The Section Officer, V.R. Section,  
Madurai Bench of Madras High Court,  
Madurai.  
(Return Original)

**W.P. (MD) No.10809 of 2020**  
**and W.M.P. (MD) No.9512 of 2020**  
**04.09.2020**

**AP(16/09/2020) 2P 3C**