



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.15878 of 2021

and

WMP (MD) No.12791 of 2021

1.Kalaiselvi
2.C.Muthukumar
3.C.Sivakumar

... Petitioners

Vs.

1.The Secretary to Govt. of India,
Department of Economic Affairs
(Banking Division),
Ministry of Finance Govt. of India,
New Delhi - 110001.

2.The Authorized Officer,
HDFC, Ramon House,
HT Parekh Marg,
169, Back Bay Reclamation,
Church Gate, Mumbai - 400 020.

3.The Authorized Officer,
HDFC - Standard Life Insurance Co., Ltd.,
Lodho Excels 13th Floor,
Apollo Mills Compound,
N.M.Joshi Marg,
Mahalakshmi, Mumbai - 400 011.

4.The Branch Manager,
HDFC "ACHYUTA"
111, Barathidasan Salai,
Cantonment, Trichy - 620001.

5.The Authorized Officer,
HDFC, 406 Sakthi Sivam Plaza,
Pumping Station Road, 9th Cross
K.K.Nagar, Madurai - 625020.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned Notice of Demand, dated 29.06.2021 issued under Sub Section 2 of Section 13 of Securitization and Reconstruction of Financial Assets and



Enforcement of Security Interest Act, 2002, by the 5th respondent and to quash the same.

For Petitioner : Mr.A.John Vincent
For Respondent-1 : Mr.P.Thilakkumar,
Government Advocate

WEB COPY

O R D E R

Against the notice issued under Section 13(2) of SARFAESI Act, the petitioner filed the present Writ Petition.

2.Admittedly, as against the notice issued under Section 13(2) of SARFAESI Act, appeal is provided before the Debt Recovery Tribunal, under Section 30 of the SARFAESI Act, and without availing the alternative remedy, the petition cannot be maintainable.

3.In the result, the Writ Petition is dismissed. Liberty is granted to the petitioner to approach the appellate authority. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

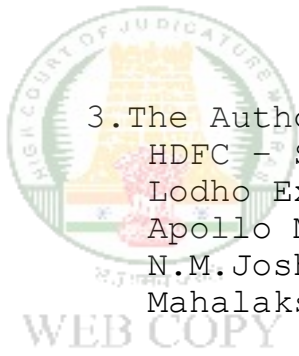
Sub Assistant Registrar(CS)

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

1.The Secretary to Govt. of India,
Department of Economic Affairs
(Banking Division),
Ministry of Finance Govt. of India,
New Delhi - 110001.

2.The Authorized Officer,
HDFC, Ramon House,
HT Parekh Marg,
169, Back Bay Reclamation,
Church Gate, Mumbai - 400 020.



3.The Authorized Officer,
HDFC - Standard Life Insurance Co., Ltd.,
Lodho Excels 13th Floor,
Apollo Mills Compound,
N.M.Joshi Marg,
Mahalakshmi, Mumbai - 400 011.

4.The Branch Manager,
HDFC ACHYUTA''
111, Barathidasan Salai,
Cantonment, Trichy - 620001.

5.The Authorized Officer,
HDFC, 406 Sakthi Sivam Plaza,
Pumping Station Road, 9th Cross
K.K.Nagar, Madurai - 625020.

W.P (MD) No.15878 of 2021
06.09.2021

RS (17.09.2021) 3P 6C