



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.18012 of 2021

and

W.M.P(MD)Nos.14883 and 14884 of 2021

V.Jeganathan

... Petitioner

Vs.

1.The Authorized Officer / Chief Manager,
Indian Bank,
Virudhunagar District.

2.The Branch Manager,
Indian Bank,
Sivagnanapuram Branch,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned notice dated 03.08.2021 issued by the first respondent under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in connection with the loan facility of AMTL (Agriculture Medium Term Loan) and quash the same.

For Petitioner

: Mr.R.Anand

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice dated 03.08.2021 issued by the first respondent under Section 13(2) of the SARFAESI Act in connection with the loan facility of AMTL (Agriculture Medium Term Loan) and to quash the same.



2.It is settled position that a demand notice under Section 13 (2) of the SARFAESI Act cannot be challenged before the Court of law. If a notice is issued under Section 13(2) of the SARFEASI Act, the borrower/guarantor shall be called upon to give their explanation within a period of 60 days. On receipt of such explanation given by the borrower/guarantor, the Bank should consider the representation and send their reply within 15 days under Section 13(3-A) of the SARFEASI Act. The cause of action challenging the proceedings under the SARFEASI Act would arise only after issuance of Section 13(4) notice.

3.In the case on hand, 13(2) notice is dated 03.08.2021 and the petitioner sent a legal notice to the first respondent dated 20.09.2021 on 21.09.2021. It is needless to say that under Section 13(3-A) of the SARFEASI Act, the first respondent must consider the reply sent by the petitioner and communicate the order to him within fifteen days.

4.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

indu/ps

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 Authorized Officer / Chief Manager,
Indian Bank,Virudhunagar District.

2.The Branch Manager,
Indian Bank,
Sivagnanapuram Branch,Virudhunagar District.

**W.P (MD)No.18012 of 2021
04.10.2021**

MGJ(20.10.2021) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>