



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.10.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

W.P (MD) NO.19277 of 2021

Karthikeyan : Petitioner
vs.
The Manager,
Union Bank of India,
Udayanadu Branch,
Peravurani Taluk,
Thanjavur District. : Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent not to take action on the properties given as security for the loan in S.Nos.233/3B2, 233/3B2 and 233/3B1, situated at No.51, Oomathanadu Village, Peravurani Taluk, Thanjavur District, considering the representations of the petitioner, dated 24.07.2020 and 15.09.2021.

For Petitioner : Mr.S.Manoharan
For Respondent : Mr.N.Dilip Kumar
Standing Counsel

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents not to take action on the properties given as security for the loan in S.Nos.233/3B2, 233/3B2 and 233/3B1, situated at No.51, Oomathanadu Village, Peravurani Taluk, Thanjavur District, by considering the Petitioner's representations, dated 24.07.2020 and 15.09.2021.

2.Admittedly, the petitioner has borrowed loan from the respondent Bank and committed default in repaying the same. Now, the petitioner has filed the Writ petition to issue a Writ of Mandamus, to prevent the respondent from taking any action on the secured assets.

3.Mr.N.Dilip Kumar, learned Standing Counsel taking notice for the respondent submitted that the respondent Bank had already issued



a notice under Section 13(2) of the SARFAESI Act on 23.08.2021 itself.

4. When the respondent had already issued a notice under Section 13(2) of the Act, this Court is not inclined to entertain the present Writ Petition. If the petitioner is willing to settle the loan amount, it is open to the petitioner to approach the respondent Bank.

5. In such view of the matter, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-33248[F] dated 29/10/2021)

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