



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE M.DURAI SWAMY**

W.P.(MD) No.11674 of 2016

and

W.M.P(MD).Nos.8948 and 8949 of 2016

O.Pitchairajan

... Petitioner

**Vs**

1.The Authorized Officer,  
Indian Bank (formerly Koodalnaar Branch, Madurai)  
Usilampatti,  
Madurai District.

2.The Branch Manager,  
Indian Bank,  
Usilampatti,  
Madurai District.

3.M/s.Reliance Asset Reconstruction  
Company Private Limited,  
Reliance Centre, 6<sup>th</sup> Floor,  
North Wing, Prabhat Colony,  
Santa Cruz East,  
Mumbai-400 055.

... Respondents

**PRAYER:** Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the records pertaining to the alleged impugned orders of Demand notice under Section 13(2) dated 20.07.2012 and consequential possession notice under Section 13(4) dated 21.01.2013 of SARFAESI Act and aftermath assignment by 1<sup>st</sup> respondent to 3<sup>rd</sup> respondent on 29.12.2010 and 28.12.2013 vide communication, dated 20.06.2016 and quash the same as illegal.

For Petitioner : Mr.R.Murugan

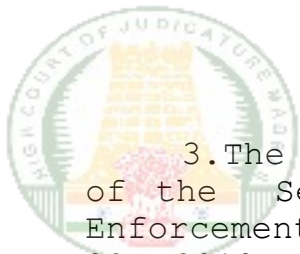
**ORDER**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

The petition is of the year 2016 and has lost all meaning.

2.Unfortunately, no attempt was made on behalf of the petitioner to list the matter or to prosecute the same with any degree of diligence.

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



3.The petitioner challenges a notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The notice is dated July 20, 2012. It appears that a subsequent notice was issued informing the petitioner that measures were being taken by the secured creditor under Section 13(4) of the Act, 2002. Pursuant to the receipt of such notice dated January 21, 2013, informing the petitioner that measures were being taken under Section 13(4) of the Act, the petitioner approached the jurisdictional Debts Recovery Tribunal. S.A.No.36 of 2013 was filed before the Debts Recovery Tribunal, Madurai. The challenge in the petition is to a subsequent notice, dated June 20, 2016.

4.When the petition was received, an initial order was made recording that there was a dispute with regard to the identity of the property and the petitioner was permitted to bring the original mortgage deed.

5.As it appears, the petitioner chose such order to allow the matter to go into a limbo and not take any steps thereafter to prosecute the same.

6.Whether or not there is any dispute pertaining to the property, the impugned notice dated June 20, 2016 cannot be assailed by way of the present proceedings. If at all, the petitioner ought to have carried the notice to the Debts Recovery Tribunal, where the petitioner had initially challenged the steps taken by the secured creditor under Section 13(4) of the Act.

W.P(MD)No.11674 of 2016 is dismissed. WMP(MD).Nos.8948 and 8949 of 2016 are closed. There will be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PM/PJL

*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,  
Indian Bank (formerly Koodalnaar Branch, Madurai)  
Usilampatti,  
Madurai District.

2.The Branch Manager,  
Indian Bank,  
Usilampatti,  
Madurai District.

**W.P. (MD) No.11674 of 2016**  
**25.10.2021**

**SRK(CO)**  
**RS/UV (02.11.2021) 3P 3C**