



W.P(MD) No.10208 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.10208 of 2022
and
W.M.P(MD) No.7244 of 2022**

M.Saraswathi

... Petitioner

-VS-

The Authorised Officer,
Canara Bank,
Dindigul Main Branch,
Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the measures taken by the respondent under section 13(4) of the SARFAESI Act and section 8 (6) of the Security Interest (Enforcement) Rules, 2002, in respect of the petitioner's husband's property in Survey No.193/1, having land to an extent 40 cents divided into house sites, the plot no.2 measuring 6212 1/2 sq. ft. situated at Chettinaickentpatty Village, Dindigul Taluk, Dindigul District as unconstitutional, illegal and ultra-virus the Act and Rules and consequently direct the respondent Bank to act only in accordance with the SARFAESI Act and Security Interest (Enforcement) Rules.



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For Petitioner : Mr.M.Benazir Begum

For Respondent : Mr.C.Deepak

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the sale notice dated 04.05.2022, issued by the respondent – Bank, under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, the instant writ petition has been filed by the writ petitioner.

2. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that since the sale has not been taken place, this Writ Petition may be closed granting liberty to the petitioner to work out his remedy before the respondent – Bank.

3. Granting such liberty, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
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Index : Yes / No
Internet : Yes / No
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