



W.P.(MD)No.14774 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.14774 of 2022
and
W.M.P.(MD)No.10562 of 2022

V.Varadharaj

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
Theni.

2.The Canara Bank,
Rep. by its Chief Manager,
S.Elango,
No.1366, Periyakulam Main Road,
Theni Branch,
Theni – 625531.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned notice issued under Section 14 of the SARFAESI Act for taking possession of the petitioner's house property in Survey No.621, situated at Door No.186/A, Gandhi Nagar 5th Street, Nehruji Road, Allinagaram, Theni – 625531 in Crl.M.P.No.98 of 2022 dated 16.05.2022 on the file of the learned Chief Judicial Magistrate, Theni and quash the same as illegal.



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For Petitioner :M/s.K.Abiya

For R-2 :Mr.V.Sukumar

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of Writ of Certiorari to quash the impugned show cause notice, dated 16.05.2022 issued by the learned Chief Judicial Magistrate, Theni.

2.Heard M/s.K.Abiya, learned Counsel for the petitioner and Mr.V.Sukumar, learned Standing Counsel, who takes notice on behalf of the second respondent bank.

3.The order impugned in this Writ Petition is only a show cause notice pursuant to a petition filed by the second respondent bank under Section 14 of the SARFAESI Act. Since the order impugned in this Writ Petition is only a show cause notice and the petitioner has ample opportunity to put-forth his case, this Court is not inclined to interfere with the statutory proceedings initiated in accordance with law.



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4.Hence, this Writ Petition is dismissed. However, it is open to the petitioner to challenge the final order, that may be passed by the learned Chief Judicial Magistrate, Theni, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
11.07.2022

Index : Yes / No

pm

To:

The Chief Judicial Magistrate,
Theni.



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and
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