



WEB COPY



W.P.No.4519 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4519 of 2023

and W.M.P.No.4527 of 2023

K.Krishnamurthy

.. Petitioner

Vs

The Managing Director
The Pondicherry Co-op. Urban Bank Ltd.
Pondicherry.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the respondent pertaining to his Notice dated 02.01.2023 and quash the same.

For the Petitioner : Mr.K.S.Karthik Raja

For the Respondent : Mr.R.Sreedhar
Standing Counsel



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ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

K.Krishnamurthy, son of Kuppusamy, a resident of 16, Kappakara Street, Kanuvapet, Villianur, Pondicherry, has filed this writ petition to quash the impugned notice dated 2.1.2023 issued by the respondent bank calling upon the petitioner to pay a sum of Rs.16,16,044/- pursuant to the award/decreed passed by the Registrar of Co-operative Societies, V.V.P.Nagar, Thattanchavadi, Pondicherry, dated 24.1.2005 in A.R.C.No.969 of 2003.

2. On a perusal of the decree/award passed in A.R.C.No.969 of 2003 dated 24.1.2005, it is seen that the petitioner was directed to pay a sum of Rs.1,52,033/- with interest at 16% per annum for the principal outstanding amount of Rs.1,12,490/- from 23.1.2005 till the date of realisation.

3. When the petitioner has already suffered a decree/award in the arbitration proceedings passed by the Registrar of Co-operative Societies and the impugned notice is only a notice calling upon the



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petitioner to pay the due amount and the same has not even been issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the challenge made to the impugned notice dated 2.1.2023 is unsustainable, rather premature. However, if really the petitioner is aggrieved by the issuance of the impugned notice, he has to work out his remedy in the manner known to law before the appropriate forum and not before this Court under Article 226 of the Constitution of India.

4. The writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, W.M.P.No.4527 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
15.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:
The Managing Director
The Pondicherry Co-op. Urban Bank Ltd.
Pondicherry.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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