



W.P.No.32992 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32992 of 2023

G.RajaRamanan

.. Petitioner

Vs.

1. The Regional Manager
Reserve Bank of India
Fort St. George, Chennai – 600 033.
2. The Banking Ombudsman
Reserve Bank of India
Fort St. George, Chennai.
3. The Authorized Officer
State Bank of India
Retail Assets Central Processing Centre
MRC Nagar, Chennai 600 014.
4. The Authorized Officer
State Bank of India
Assets Recovery Management Branch
No.44, Eldams Road, 1st Street
Teynampet, Chennai – 600 018.



W.P.No.32992 of 2023

WEB COPY

5. The Assistant General Manager
State Bank of India RACPC
No.50, AR Plaza, Mount Poonamallee High Road
Iyyapanthangal, Chennai – 600 056. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records pertaining to the possession notice dated 03.11.2022 issued by the respondent Bank under Section 13(c) of the SARFAESI Act and quash the same.

For the Petitioner : Mr.V.Mahathi Chari

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.V.Mahathi Chari, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is assailing the notice under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act of 2002. The notice under Section 13(4) of the Act is not on record. Notice under Section 13(2) of the Act cannot be challenged. The petitioner can raise objection to the notice under Section 13(2) of the Act with the bank and the bank has to decide the said objection under Section 13(3A) of the Act before proceeding further.



W.P.No.32992 of 2023

WEB COPY

3. Remedy is available before the Debts Recovery Tribunal to assail the notice issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act of 2002.

4. In the light of that, the present writ petition stands disposed of with liberty to the petitioner to avail the alternate remedy available to him. In that event all contentions of the respective parties are kept open. There will be no order as to costs. Consequently, W.M.P.Nos.32685 and 32687 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

23.11.2023

Index : Yes/No
Neutral Citation : Yes/No
drm
To

1. The Regional Manager
Reserve Bank of India
Fort St. George, Chennai – 600 033.
2. The Banking Ombudsman
Reserve Bank of India
Fort St. George, Chennai.



WEB COPY



W.P.No.32992 of 2023

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

(drm)

W.P.No.32992 of 2023

23.11.2023