



W.P.(MD) No.5304 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.5304 of 2023
and
W.M.P.(MD) No.4976 of 2023

1.Durai Raj

2.D.Chandra

... Petitioners

-vs-

1.The Chief Manager
Indian Bank
Zonal Office
Trichirapalli District

2.The Branch Manager
Indian Bank
Arimalam Branch
Pudukottai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the demand notice dated 03.01.2023, issued by the respondent – bank and quash the same as illegal and arbitrary.



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For Petitioners : Mr.R.Suresh Kumar

For Respondents : Mr.R.Pandivel, Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

We find that the challenge in this writ petition itself is to a notice issued under Sub-Section 2 to Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, "SARFAESI Act"). A notice, issued under Section 13(2) of SARFAESI Act, is only a demand notice, issuance of which by itself would not provide a cause of action for the debtor to challenge it. Hence, leaving it open to the petitioners to question any further action that may be taken by the respondent – Bank either under Section 13(4) or Section 14 of SARFAESI Act or under Rule 6 or Rule 8 of SARFAESI Rules, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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