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W.P.(MD) No.8246 of 2023
and
W.M.P.(MD) Nos.7831 & 7832 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM:

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

W.P.(MD) No.8246 of 2023
and
W.M.P.(MD) Nos.7831 & 7832 of 2023

P.Syed Ahamed Kabir

... Petitioner

-VS-

1.The Authorized Officer
Canara Bank
Asset Recovery Management Branch
St.Mary's Campus
Circle Office, First Floor
East Veli Street, Madurai-625 001

2.The Manager
Canara Bank
Cumbum Branch
Cumbum-625 516
Theni District

... Respondents



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and
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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned demand notice passed by the first respondent dated 20.12.2022, purported to have been issued under Section 13(2) of SARFAESI Act, quash the same.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.P.Pethu Rajesh

ORDER

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

Challenge in this writ petition is to the notice, dated 20.12.2022, issued by the respondent – Bank, under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, “the Act”).

2. This Court has repeatedly held that notice under Section 13(2) of the Act is only a show cause notice and it will be open to the borrower to send a reply to the same.



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3. Learned counsel for the petitioner would submit that the petitioner has already sent a reply to the respondent – Bank on 15.02.2023, however, they have not taken any follow-up action.

4. Hence, leaving it open to the petitioner to challenge any follow-up action that may be initiated by the respondent – Bank, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

13.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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