



W.P.(MD) No.9029 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

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

W.P.(MD) No.9029 of 2023
and
W.M.P.(MD) Nos.8192 & 8193 of 2023

M.Subash

... Petitioner

-VS-

Shriram Housing Finance Ltd.,
rep.through
The Authorized Officer
No.123, Angappa Naicken Street
Chennai-600 001

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari praying to call for the records pertaining to the alleged impugned demand notice dated 13.02.2023 issued under Section 13(2) of the SARFAESI Act, 2002 by the respondent and quash the same as illegal.

For Petitioner : Mr.S.Vikram



W.P.(MD) No.9029 of 2023

WEB COPY

ORDER

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

Challenge in this writ petition is to the notice, dated 13.02.2023, 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. It has been repeatedly held that notice under Section 13(2) of the Act being a show cause notice will not provide a cause of action for filing a writ petition.

3. It is open to the petitioner to send a reply to the said show cause notice within a period of fifteen days from today and the respondent – Bank will consider the reply and pass orders under Section 13(4) of the Act. If the respondent – Bank pursues action, it will be open to the petitioner to challenge the same in accordance with law.



W.P.(MD) No.9029 of 2023

WEB COPY

4. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

19.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk



WEB COPY



W.P.(MD) No.9029 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

krk

W.P.(MD) No.9029 of 2023
and
W.M.P.(MD) Nos.8192 & 8193 of 2023

19.04.2023