



W.P.(MD) No.9256 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM:

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

W.P.(MD) No.9256 of 2023
and
W.M.P.(MD) No.8326 of 2023

S.S.Ramar

... Petitioner

-VS-

1.The Authorized Officer
Punjab National Bank
PNB House
Trichy – Thanjavur
Kailasapuram
Trichy-620 014

2.The Branch Manager
Punjab National Bank
Tirunelveli Town

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records in connection with the impugned demand notice issued under Section 13(2) of SARFAESI Act, dated 10.01.2023 and quash the same and consequently to regularize the



W.P.(MD) No.9256 of 2023

WEB COPY

petitioner's loan account Nos.0484008700301102 & 048400IB02302297 maintained at the second respondent – Bank.

For Petitioner : Mr.S.Lawrence Vimal Raj
For Respondents : Mr.Saravanakumar
for M/s.Vast Law Associates

ORDER

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

Mr.Saravanakumar, learned counsel, representing M/s.Vast Law Associates, takes notice for the respondent – Bank.

2. Challenge in this writ petition is to the notice, dated 10.01.2023, 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”).

3. We have repeatedly held that notice of demand under Section 13(2) of the Act being a show cause notice will not provide a cause of action for filing a writ petition.



WEB COPY

W.P.(MD) No.9256 of 2023

4. The petitioner is permitted to file his objections to the notice dated 10.01.2023, within a period of fifteen days from today. If such objection is filed, the respondent – Bank will consider the same and proceed further. Depending upon the nature of proceedings taken by the respondent – Bank, the petitioner will have a choice to proceed further.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

20.04.2023

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

krk



WEB COPY



W.P.(MD) No.9256 of 2023

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

krk

W.P.(MD) No.9256 of 2023
and
W.M.P.(MD) No.8326 of 2023

20.04.2023