



W.P.(MD).No.12996 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.12996 of 2023

S.Pandiammal

.. Petitioner

Vs.

1.The Authorized Officer,
Thane Ro,
Piramal Capital and Housing Finance Limited,
Formerly Known as Dewan Housing Finance Corporation Limited,
Registered Office, Unit No.601, 6th Floor,
Amithi Building,
Agastya Corporate Park,
Kamani Junction, Opp. Fire Station,
LBS Marg, Kurla (West),
Mumbai – 400 070.

2.The Authorized Officer,
Dewan Housing Finance Corporation Limited,
Kalpalathika Towers, New No.36, Old No.24,
Dr. Ambedkar Road, Ashok Nagar Main Road,
Kodambakkam, Chennai – 600 024.



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3. The Manager,
Dewan Housing Finance Corporation Limited,
No.146/6, Ground Floor, Vinayaga Complex,
Perundurai Road, Erode,
Erode District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for records relating to the impugned demand notice dated 29.04.2023 issued by the 1st respondent and quash the same.

For Petitioner : Mr.J.Imran Khan

For Respondents : Mr.Pethu Rajesh

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN,J.)

The challenge in the present Writ Petition is to a demand notice issued under Section 13(2) of the SARFAESI Act.

2. The date of the said demand notice is 29.04.2023. The notice issued under Section 13(2) of the Act is not susceptible to challenge under Article 226 of the Constitution of India. In case proceedings are initiated



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pursuant to the notice under Section 13(2) of the Act, i.e., any measure taken under Section 13(4) of the Act, the petitioner can approach the Debt Recovery Tribunal (DRT).

3. The learned counsel for the petitioner reports that his client is ready to settle the matter. It is always open to him to approach the respondents and to settle the same. Since Section 13(2) of the Act is not susceptible to judicial review, the Writ Petition stands disposed of. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
04.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

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