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W.P.(MD) No.20396 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.20396 of 2023
and
W.M.P.(MD) No.16840 of 2023**

M/s.Delta Tractors &
Farm Equipment Firm
rep.by its Managing Partner
S.Dheepan

... Petitioner

-VS-

- 1.The Branch Manager
M/s.Escorts Kubota Limited
(Formerly Escorts Limited)
Trichy Branch
- 2.The Authorized Officer
State Bank of India
SME Branch
Commercial Complex
Kamala Subramaniam Arcade
Thanjavur

... Respondents



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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 and quash the same of impugned notice dated 05.05.2023 u/s.13(2) of SARFASI Act.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.N.Dilip Kumar

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.N.Dilip Kumar, learned counsel, takes notice for the second respondent – Bank.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition is filed challenging the notice dated 05.05.2023, issued by the second respondent – Bank.



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4. The petitioner has approached this Court by way of this writ petition as if the first respondent is the principal borrower and the loan was borrowed in relation to the commercial transaction between him and the first respondent.

5. This Court is unable to accept the contentions of the petitioner. It is open to the petitioner to approach the Debts Recovery Tribunal challenging the possession notice, dated 10.08.2023, stated to have been issued by the second respondent – Bank.

6. With the liberty so preserved to the petitioner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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