



W.P(MD)No.17638 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 31.08.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P(MD)No.17638 of 2023
and
W.M.P(MD)No.14745 of 2023

Thilsath Begum

... Petitioner

Vs.

1.The Branch Manager,
Indian Overseas Bank,
No.494, New Street,
Mathurapuri, Thuraiyur – 621 010,
Trichy District.

2.The Authorized Officer,
(Under the SARFAESI Act, 2002),
Indian Overseas Bank,
No.494, New Street,
Mathurapuri, Thuraiyur -621 010,
Trichy District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents not to proceed further with the possession notice dated 22.06.2023 without following the



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due process of law under the Liability Insurance Scheme in which the first respondent as the Master Policy Holder is having the primary duty to make the claim with the Insurer in order to settle or close the entire loan amount covered under the Possession notice dated 22.06.2023.

For Petitioner : Mr.N.Ramamoorthy

For Respondents : Mr.N.Dilipkumar,
Standing Counsel

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.N.Ramamoorthy, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the bank.

2. The petitioner is challenging the possession notice issued by the bank under Section 13(4) of the SARFAESI Act, 2002.

3. Under Section 13(4) of the SARFAESI Act, 2002, the bank only takes the symbolic possession.



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4. In another writ petition, we have recorded the statement of the learned Standing Counsel for the bank that within a period of two weeks, the details of the policy would be provided to the petitioner.

5. Considering the fact that the notice is issued under Section 13(4) of the SARFAESI Act, 2002 and the petitioner has a remedy before the Debts Recovery Tribunal, we are not inclined to pass further any orders in this writ petition.

6. In light of that, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(C.K., J.)

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NCC :Yes/No
Index : Yes/No
PM



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THE HON'BLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

PM

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