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W.P.(MD) No.18760 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM:

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

W.P.(MD) No.18760 of 2023

and

W.M.P.(MD) Nos.15585 & 15587 of 2023

R.Govindarajan

... Petitioner

-vs-

1.M/s.Piramal Capital &
Housing Finance Limited
having office at
601, 6th Floor, Amity Building
Agastya Corporate Park
Kamani Junction
Opp to Fire Station
LBS Marg, Kurla (W)
Mumbai-400070

2.M/s.Piramal Capital & Housing
Finance Limited Empire Arcade
having office at
No.356/1.2nd Floor
Omalur Main Road
Opposite New Bus Stand Road
Salem-636 004

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the impugned sale notice dated 18.05.2023 published in the New Indian Express by the first respondent in respect of the petitioner's property comprised D.No.C-204, T.S.No.1099, Block No.33, Ward-1, Vignesh Arunodayar Apartment, Mellur Road, Srirangam, Trichy-620007 and quash the same as illegal and devoid of merits.

For Petitioner : Mr.T.A.Punithan

For Respondents : Mr.P.Pethu Rajesh

ORDER

[Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]

This writ petition is filed challenging the demand notice, dated 18.05.2023, said to have been published by the respondent – Bank in New Indian Express.

2. A perusal of the impugned notice shows that it is only a demand notice issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act,



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2002 calling upon the borrowers to repay the amounts due together with interest thereof, within a period of 60 days from the date of publication of the notice.

3. This Court finds that this writ petition itself is misconceived and it has been filed as if the impugned notice is a sale notice. Hence, this writ petition is dismissed with liberty to the petitioner to approach the respondent – Bank by submitting a representation, if he chooses to do so. No costs. Consequently, connected miscellaneous petitions are closed.

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

[D.B.C., J.]

03.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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