



W.P(MD)No.25118 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.25118 of 2022
and
WMP(MD)No.19218 of 2022

M/s.Sri Gomathi Jewellers,
Rep. by its Partner,
K.S.Thiyagarajan,
S/o K.Sundaram Asari,
No.95, Pulikutty VinayagarKoil Street,
Keelapuliyur,
Tenkasi-627 814,
Tenkasi District.

... Petitioner

vs.

1. The Authorized Officer,
Tamilnad Mercantile Bank Ltd.,
No.3A/16, South Bye Pass Road,
Vannarapettai,
Tirunelveli-627 003,
Tirunelveli District.

2. The Branch Manager,
Tamilnad Mercantile Bank Ltd.,
Kadayanallur Branch,
Tenkasi District.

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3. K.S.Sankararajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Demand Notice Nil proceedings dated 29.09.2022 and quash the same as illegal and consequently direct the respondents No.1 and 2, to grant 6 months' time to settle the entire loan in Account No. 317800050900022 and Account No.318700480100073 and consequently directing the 1st and 2nd respondents to hand over the title deed to the petitioner after the repayment of entire loan within a time frame fixed by this Court.

For Petitioner : Mr.M.Suresh
For R1 & R2 : Mr.N.Dilipkumar

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J)

Challenging the demand notice dated 29.09.2022 issued under Section 13(2) of the SARFAESI Act, the petitioner has filed this writ petition.



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2. This writ petition challenging the demand notice under Section 13(2) of the SARFAESI Act is not maintainable as it is a pre-matured stage.

3. At this juncture, learned counsel for the respondent Bank submitted that the petitioner's brother has paid 90% of the outstanding amount.

4. However, we are not expressing any opinion on the above submission. The present writ petition challenging the demand notice is not maintainable unless the issuance of notice under Section 13(4) of the SARFAESI Act. Therefore, the writ petition is dismissed. If necessary, the petitioner can seek remedy at a later stage. No costs. Consequently, connected miscellaneous petition is closed.

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

[D.K.K.,J.] & [R.V.,J.]
06.02.2023



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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