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W.P.(MD) No.26813 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) No.26813 of 2022

and

**W.M.P.(MD) Nos.21002, 21004, 21005, 21006, 21007, 21008, 21009,
21011, 21013 & 21015 of 2022**

S.Jeyapal

... Petitioner

-vs-

1.The Authorised Officer
Bank of Baroda
Kamagoundapatti
Theni District

2.S.Joseph Patric

3.R.Gnanam Jancy Rani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the first respondent starting from demand notice dated 10.07.2015 ending with sale, quash the same and in consequence thereon quash the sale confirmation and issue of the sale certificate.



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For Petitioner : Mr.S.Rengasamy
For Respondents : Mr.B.Rajesh Saravanan for R1
Dr.S.Diraviam Dinesh
for M/s.Dinesh Law Chambers for R2 & R3

ORDER

[Order of the Court was made by V.LAKSHMINARAYANAN, J.]

This writ petition challenges the notice, dated 10.07.2015, issued by the first respondent, under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, “SARFAESI Act”).

2. A notice issued under Section 13(2) of the SARFAESI Act is in the nature of the show cause notice calling upon the party to pay the amount dues. As against such proceedings, writ petition is not maintainable.

3. Further, the petitioner seeks to challenge the order passed by the learned Chief Judicial Magistrate, Theni, under Section 14 of the SARFAESI Act.



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4. An order passed under Section 14 or any other measure initiated under Section 13(4) of the SARFAESI Act has to be challenged by way of appeal under Section 17 of the SARFAESI Act before the jurisdictional Debts Recovery Tribunal.

5. Hence, granting fifteen days time from the date of receipt of a copy of this order to the petitioner to approach the jurisdictional Debts Recovery Tribunal, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

20.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Chief Judicial Magistrate,
Theni.



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