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W.P.(MD)No.29333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.29333 of 2023

M/s.PNB Housing Finance Ltd.,
Having Branch Office at
New No.6, Old No.8, 2nd Floor, Shastri Road,
Tennur, Trichy-620018,
Represented by its Authorized Officer

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
Trichy District.

2.B.Narayanan

3.N.Priya

4.M/s.Sri Veekaliamman Agencies,
Rep. by its Authorized Officer,
B.Narayanan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent / learned Chief Judicial Magistrate, Trichy to forthwith number the application filed by the petitioner in F.No.Crl.M.P./6310/2023 in CNR No.TNTP030063512023, dated 09.02.2023 under Section 14 of SARFAESI Act accepting the paper publication of 13(2) notice and pass final orders within a time frame as may be fixed by this Court in a time bound manner of the said petition.



W.P.(MD)No.29333 of 2023

For Petitioner : Mr.R.Murali,
for Mr.T.N.Karthikeyan
For R2 to R4 : Mr.Rajakarthikeyan

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The ground, on which the learned Chief Judicial Magistrate, Trichy has refused to number the application filed under Section 14(1) & (2) of SARFAESI Act, is as follows:-

“The petitioner Bank issued 13(2) notice to the respondents but Acknowledgment card / cover not returned to the Bank. Hence, the petitioner bank issued the Paper Publication.”

2.It has been settled by the Judgment of the Supreme Court in the case of **Standard Chartered Bank and others Vs. V.Noble Kumar & Others** reported in **2013 9 SCC 620** that the proceedings under Section 14 of SARFAESI Act is not conditioned by Section 13 of SARFAESI Act. Therefore, the demand made by the Registry of the Court of the learned Chief Judicial Magistrate that unless and until Section 13(2) notice card and cover are produced, the application will not be



W.P.(MD)No.29333 of 2023

numbered, is erroneous. Consequentially, the learned Chief Judicial Magistrate, Trichy is bound to number the application filed by the writ petitioner, take it for final hearing and pass orders as early as possible in accordance with law. Accordingly, this Writ Petition stands allowed. No costs.

(S.M.S., J.) & (V.L.N., J.)
19.12.2023
(½)

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

Yuva

To
The Chief Judicial Magistrate,
Trichy District.



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W.P.(MD)No.29333 of 2023

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W.P.(MD)No.29333 of 2023

19.12.2023

(1/2)