



WP No.2839 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Rahul Narayan

: Petitioner

versus

1.The Authorised Officer,
State Bank of India,
Retail Assets Central Processing Centre,
MRC Nagar, No.4, Santhome High road,
Mylapore, Chennai 4

2.The Branch manager,
State Bank of India,
Retail Assets Central Processing Centre,
MRC Nagar, No.4, Santhome High road,
Mylapore, Chennai 4

3.P.G.Aananth

4.Uma Maheswari

5.Anandhi

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 05.01.2024 consequently direct respondents 1 and 2 to inform prior intimation in connection with SARFAESI proceedings in connection with the possession notice dated 24.01.2022 issued under Section 13(4) of the SARFAESI Act, initiated against the property situated in Kanchipuram District, Sholinganallur Taluk, Uthandi village, Plot No.54, Old No.3/161, New No.3/318, Abhimanyu Natarajan Avenue, East Coast road, comprised in S.Nos.3/21B, part, 3/22B, patta



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no.1582, measuring total extent of 7600 sq.ft. land and bunglaow about 1800 sq.ft. on ground floor and 1300 sq.ft and to furnish complete details and statement of account in respect of loan no.38998298522 availed by Ganapathy Subramaniyan, and to share the entire copies relating to prior and after sanction of the said loan.

For Petitioner : Mr.V.R.Karthikeyan

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.R.Karthikeyan, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the petitioner's mother's property has been fraudulently sold under fraudulent power of attorney by the third respondent in favour of the husband of the fourth respondent. Now, the bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. The theory of the petitioner of fraud being committed by the third respondent in the execution of the documents cannot be gone into in a writ jurisdiction. The petitioner has a remedy to challenge the proceedings under Section 13(4) of the Act of 2002 before an



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appropriate forum. Moreover, the petitioner can also take such other proceedings, as provided under law, to safeguard his property, as alleged.

4. As far as the documents are concerned, the petitioner can apply under the Right to Information Act. It is for the petitioner to take appropriate proceedings. In that event, all contentions are kept open.

5. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP No.3093/2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.02.2024

Index : Yes/No

Neutral Citation : Yes/No

tar

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THE HON'BLE CHIEF JUSTICE

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