



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.13087 of 2017
and
W.M.P.No.13973 of 2017

U.Kumudha Valli

... Petitioner

Vs.

The Chief Manager & Authorized Officer,
United Bank of India
Mount Road Branch, Arulmani Buildings,
Whites Road, Chennai – 600 014.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the impugned notice dated 06.03.2017 issued under Section 13(2) of the SARFAESI Act in the proceedings No.UBI/MRD/SARFAESI/6024/2017 pertaining to the Educational Loan A/c.No.0403301002892, quash the same and consequentially forbearing the respondent from taking further coercive action under 13(4) of the SARFAESI Act.



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For Petitioner : No appearance

For Respondent : Mr.P.S.Ganesh

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

There was no representation for the petitioner when the matter was listed on 07.03.2024, hence we directed the matter to be listed on 12.03.2024. However, when the matter is taken up today, there is no representation for the petitioner.

2. We find that the order under challenge in the writ petition is to the notice dated 24.10.2016 issued under Section 13(2) of the SARFAESI Act. We also find that the petitioner had sent a reply to the said notice through his counsel on 02.11.2016. Even though there was no interim order pending writ petition, the Bank has not chosen to proceed further. Since it has been held by the Hon'ble Supreme Court that notice under Section 13(2) is only a preliminary notice and any action taken under Section 13(4) could be subject matter of challenge, we do not think that this writ petition can be entertained.



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3. The writ petition is therefore **dismissed**. No costs. Consequently,
the connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
04.04.2024

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order

To

The Chief Manager & Authorized Officer,
United Bank of India
Mount Road Branch, Arulmani Buildings,
Whites Road, Chennai – 600 014.



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