



WEB COPY



W.P. No.39209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM:

THE HON'BLE Mr. JUSTICE S.S.SUNDAR

AND

THE HON'BLE Mr. JUSTICE P.DHANABAL

W.P.No.39209 of 2024

AND

W.M.P.No.42466 of 2024

K.Kannan

Petitioner

Vs.

1.The Authorised Officer
Indian Bank
Chetput Branch
No.812, Periyar EVR High Road
Chetput, Chennai 600 010

2.The Branch Manager
Indian Bank
Chetput Branch
No.812, Periyar EVR High Road
Chetput, Chennai 600 010

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 not to proceed further with the order of the Chief Judicial Magistrate of Thiruvallur dated 20.11.2024 in Crl.M.P.No.10874 of 2024 or any coercive measures against the petitioner property till the Debt Recovery Tribunal-III, Chennai takes the petitioner SARFAESI Appeal in SR.No.17316 of 2024 for adjudication.



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For petitioner : Mr.A.M.Natraj

ORDER

(Made by S.S.SUNDAR, J.)

This writ petition is filed challenging the order of the learned Chief Judicial Magistrate, Tiruvallur dated 20.11.2024 in CrI.M.P.No.10874 of 2024, allowing the petition filed by the 1st respondent Bank under Section 14 of the SARFAESI Act.

2. The only ground raised by the petitioner in this writ petition is that the 1st respondent Bank did not issue any notice under Section 13(2) of the SARFAESI Act.

3. This Court finds reference to the notice issued under Section 13(2) of the Act, in the impugned proceedings. Therefore, it cannot be readily inferred that no notice was issued to the petitioner, before further proceedings were initiated under the Act. Since the petitioner has raised a factual issue, this Court finds it appropriate to grant liberty to the petitioner to approach the Debt Recovery Tribunal.

4. In view of the above, this writ petition stands dismissed. However,



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liberty is granted to the petitioner to approach the 1st respondent Bank, either for settlement under any One Time Settlement scheme available by virtue of the Reserve Bank India's guidelines or for restructuring the loan amount.
No costs. Connected W.M.P. is closed.

[S.S.S.R.,J.] [P.D.B., J.]
20.12.2024

Index : Yes/No
Neutral Citation : Yes/No
gya

To
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