



W.P.(MD) No.781 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.781 of 2024
and W.M.P.(MD)No.781 of 2024

G.RajaRajeswari

... Petitioner

Vs.

1.The Indian Bank Zonal Office,
Rep. by Authorized Officer,
Madurai Branch,
100/ 101, Keela Avani Moola Veethi,
Madurai - 625001.

2.The Chief Manager,
Indian Bank,
101, Southmasi Street Branch,
Madurai – 625 001.

... Respondents



W.P.(MD) No. 781 of 2024

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent pertaining to the two impugned notices dated 07.12.2023 and 07.12.2023 issued by the 2nd Respondent under the SARFEASI Act, 2002 for the immovable properties offered as security by the petitioner's husband and by the petitioner and quash the same and consequently, pleased to direct the respondents to provide petitioner's loan account debit - credit details.

For Petitioner : Mr.R.Sundar

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to the two impugned notices dated 07.12.2023 and 07.12.2023 issued by the 2nd Respondent under the SARFEASI Act 2002 for the immovable properties offered as security by the petitioner's husband and by the petitioner and quash



W.P.(MD) No.781 of 2024

the same and consequently, pleased to direct the respondents to provide petitioner's loan account debit - credit details.

2. This Writ Petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the petitioner's husband has availed two loans from the respondents bank and since the petitioner's husband died by committing suicide, she is not able to pay the loan amount properly. Therefore, the respondents bank issued the two impugned notices both dated 07.12.2023 under the SARFAESI Act regarding e-auction demanding of Rs.71,42,715/- to the petitioner. Challenging the same, the petitioner has filed this Writ Petition.

4. Considering the facts and circumstances of the case, we are of the view that the petitioner is having an efficacious appeal remedy under Section 17 the SARFAESI Act and without availing such remedy, the petitioner has filed this Writ Petition. Hence, we are not inclined to entertain this Writ Petition and the Writ Petition is liable to be dismissed.



W.P.(MD) No.781 of 2024

WEB COPY 5. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to avail an appeal remedy under Section 17 of the SARFAESI Act. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

12.01.2024

Neutral Citation: Yes / No

Index : Yes / No

vsm

Note: Registry is directed to return the original copy of the impugned orders to the learned counsel for the petitioner after replacing the same with a xerox copy.



WEB COPY



W.P.(MD) No.781 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

W.P.(MD)No.781 of 2024

12.01.2024