



W.P.(MD)No.24719 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

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CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.24719 of 2024
and
W.M.P.(MD)No.21034 of 2024**

Alamelu

... Petitioner

-VS-

1.The Authorized Officer,
Karur Vysya Bank,
Asset Recovery Branch,
R.S.No.170/9,
Mattuthavani-Melur Road,
Near Mattuthavani Bus Stand,
Mattuthavani, Madurai-625 107.

2.Karur Vysya Bank,
Rep. by its Branch Manager,
Karur Vysya Bank,
Madurai South Branch,
Madurai.

3.P.Aadhi

4.P.Aadithya

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records comprised in possession notice under Section 13(4) of the SARFAESI Act, 2002, dated 11.09.2024 issued by the 1st respondent and quash the same.

For Petitioner : Mr.Raguvaran Gopalan

For R-1 & R-2 : Mr.P.Madan Alexander

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ORDER

WEB COPY [Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

“To issue a Writ of Certiorari, to call for the records comprised in possession notice under Section 13(4) of the SARFAESI Act, 2002, dated 11.09.2024 issued by the 1st respondent and quash the same.”

2. Challenge is to the notice under Section 13(4) of the SARFAESI Act, 2002. The only ground projected by the learned counsel for the petitioner is that an earlier notice issued under Section 13(4) was issued only to two of the legal heirs and the legal heir to whom the notice was issued had challenged the same by way of a securitization application before the Debt Recovery Tribunal which is stated to be pending. Pending the application, the bank has now rectified the mistake and issued notice to all the legal heirs of the deceased borrower. This cannot be a ground to interfere under Article 226 of Constitution of India.

3. Hence, leaving it open to the petitioner to approach the Debt Recovery Tribunal, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

19.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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