



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No. 33745 of 2024

and

WMP No.36537 of 2024

1. R.Hari Singh

2. H.Soniya

..Petitioner(s)

Vs

The Authorised Officer
M/s. Five Star Business Finance Limited
New No 27, Old No. 4, Taylors Road,
Kilpauk, Chennai 600 010

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the entire records relating to impugned demand notice dated 09.09.2024 issued by the respondent, quash the same consequently directing the respondent not to proceed or make demand violating the arbitration award dated 30.12.2021 passed in ARB Case No.ARC / FSBFL / 536 / 2021.

For Petitioner(s): Mr. R.Ezhilarasan

For Respondent(s): Ms. A.S.Neela Narayani



ORDER

(Order of the Court was made by The Chief Justice)

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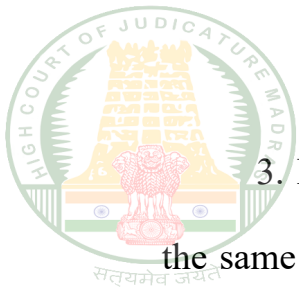
This writ petition under Article 226 of the Constitution of India has been filed challenging the demand notice dated 09.09.2024 issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, “*SARFAESI Act*”].

2. The writ petition to quash the notice issued under Section 13(2) of the SARFAESI Act is not be maintainable. The aforesaid view of ours is supported by a decision of the Apex Court in the case of *Punjab National Bank and another v. Imperial Gift House and others*¹, wherein the Apex Court held as under:

“3. Upon receipt of notice, the respondents filed representation under Section 13(3-A) of the Act, which was rejected. Thereafter, before any further action could be taken under Section 13(4) of the Act by the Bank, the writ petition was filed before the High Court.

4. In our view, the High Court was not justified in entertaining the writ petition against the notice issued under Section 13(2) of the Act and quashing the proceedings initiated by the Bank.”

¹(2013) 14 SCC 622



3. In light of the above, the present writ petition is not maintainable and the same is dismissed. However, liberty is granted to the petitioners to submit reply to the notice issued under Section 13(2) of the SARFAESI Act and it is for the respondent Bank to consider the reply and proceed further in accordance with law. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssk

To

The Authorised Officer
M/s. Five Star Business Finance Limited
New No 27, Old No. 4, Taylors Road,
Kilpauk, Chennai 600 010



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**SUSHRUT ARVIND DHARMADHIKARI, C.J.
AND
G.ARUL MURUGAN, J.**

ssk

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