

P.Amutha Vs. the Area Manager

P.Amutha Vs. the Area Manager

SooperKanoon Citation : sooperkanoon.com/920419

Court : Chennai

Decided On : Jul-29-2011

Judge : Vinod K.Sharma, J.

Acts : Scrutinisaton and Reconstruction of Financial Assets and Enforcement of Security Act, 2002

Appeal No. : W.P.(MD)No.2881 of 2006 and W.P(MP)(MD)No.3150 of 2006

Appellant : P.Amutha

Respondent : The Area Manager

Advocate for Def. : M/s.S.Bharathy Kannan, Adv.

Advocate for Pet/Ap. : Mr.M.P.Senthil, Adv.

Judgement :

1. The petitioner prays for issuance of a writ in the nature of Certiorari, to quash the demand notice, dated 21.02.2005 vide which the respondent has called upon the petitioner to clear the default.

2. The impugned notice stipulates, that in the event of non- payment of demanded amount within the stipulated period of 60 days, the respondent will proceed under the Scrutinisaton and Reconstruction of Financial Assets and Enforcement of Security Act, 2002(hereinafter called as the 'Act').

3. The non-compliance by the petitioner, of the demand notice, could give right to the respondent, to proceed under the 'Act', and takes possession. The petitioner in that event had the statutory remedy of appeal. The Writ petition is pre-mature as the order affecting the rights of the petitioner is yet to be passed. This Court cannot issue the Writ to bar a party to take statutory remedy in accordance with law, specially when, the Act under which action is proposed, gives statutory remedy to aggrieved party.

4. Accordingly, the Writ Petition is dismissed as not competent, because of the availability of alternative remedy of appeal under the 'Act'.

5. Consequently, connected Miscellaneous Petition is dismissed. No costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com