

W.P.(MD) No.7006 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM:

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

**W.P.(MD) No.7006 of 2023
and
W.M.P.(MD) Nos.6624 & 6625 of 2023**

1.P.Raja

2.L.Shanthi

... Petitioners

-vs-

1.The Chief Judicial Magistrate
Nagercoil
Kanyakumari District

2.The Authorized Officer
Union Bank of India
Karungal Branch
No.18/B1, Karumavilai
Opp CSI Home Church
Karungal, Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus calling for the records pertaining to the

impugned order passed by the first respondent under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in Cr.M.P.No.14474 of 2022, dated 12.01.2023 and quash the same and consequently directing the second respondent to handover the physical possession of the secured property to the petitioner within the time stipulated by this Court.

For Petitioners : Mr.G.Cenil

For Respondents : Mr.N.Dilip Kumar for R1

ORDER

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

Mr.N.Dilip Kumar, learned counsel, takes notice for the respondent – Bank.

2. The order passed by the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is the subject matter of challenge in this writ petition.

3. Mr.N.Dilip Kumar, learned counsel appearing for the respondent – Bank, would submit that the secured asset was already sold on 23.02.2023 and the sale has also been confirmed.

4. We, therefore, do not see any reason to entertain this writ petition. Hence, reserving the liberty to the petitioners to approach the concerned Debts Recovery Tribunal, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

29.03.2023

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.

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and
L.VICTORIA GOWRI, J.

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