

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-03-2015

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

WRIT PETITION No.5644 of 2015

A.Abdul Samad

.. Petitioner

vs

1. Housing Development Corporation Ltd.,
(HDFC)
Rep. B y its Assistant General Manager
II Floor, ITC Avenue,
No.760, Anna Salai, Chennai 600 002

2. P.S.Jothiammal

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 23.1.2015, for sale of the subject property to the petitioner for reasonable sale consideration, without evicting the petitioner from the premises, by also considering the consent given by the second respondent.

For Petitioner : Mr.C.Mahendran
For Respondents : Mr.K.J.Parthasarathy for R1
Mr.D.Nagasundaram
for Mr.R.Thirumoorthy for R2

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

The instant petition filed by the petitioner, who claims to be a tenant, seeks for a direction to the first respondent-financial institution to consider his representation for sale of the subject property to the petitioner to satisfy the outstanding dues against the second respondent.

2.Under the scheme, this prayer cannot be granted as, if the property in question is put on auction, there is possibility of fetching the reasonable price of the property i.e., the secured asset, and the petitioner is also at liberty to participate in the

auction. However, keeping in view the submission of the second respondent-borrower that some time may be granted to settle the dispute, we deem it fit and proper to grant two weeks' time to the second respondent to take up the matter with the financial institution-first respondent to consider her case for proper settlement of the dispute, if possible.

3.The writ petition accordingly, stands disposed of. No costs.

nsv

-s/d-

Assistant Registrar (CO)

Dt:10/3/2015

True Copy

Sub-Assistant Registrar

To:

The Assistant General Manager
Housing Development Corporation Ltd.,
(HDFC)
II Floor, ITC Avenue,
No.760, Anna Salai, Chennai 600 002

(co)
prk10/3

W.P.No.5644 of 2015

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