



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23/4/2015
C O R A M

THE HONOURABLE MR. JUSTICE S. MANIKUMAR
a n d
THE HONOURABLE MR. JUSTICE G. CHOCKALINGAM

Writ Petition (MD) No.6398 of 2015

Govindarajan ... Petitioner

Vs

1. The Authorized Officer
Arcil-Arms
Office at No.715 - C, 7th Floor
Spencer Plaza Phase II
No.769 Anna Salai
Chennai 2.

2. The ICICI Bank (Home Finance)
rep. By its Branch Manager
Having Office at
Thillai Nagar
Trichy 17.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the first respondent's auction notice dated 22/1/2015 with regard to the petitioner's housing property having Door No.1/48-1, Agraharam, Kulumani Village & Post, Srirangam, Trichy District and quash the same as illegal.

For Petitioner ... Mr.G.Kandha Vadivelan

For Respondents ... Mr.Pala Ramasamy
for R.2.

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O R D E R

(Order of the Court was made by S.MANIKUMAR,J)

Auction notice dated 22/1/2015 with regard to the petitioner's housing property at Door No.1/48-1 Agraharam, Kulumani Village and Post, Srirangam, Trichy District, is challenged on the ground inter alia that the respondent's Bank has not considered the earlier directions issued in W.P.(MD) No.11581 of 2012 in which directions have been issued to consider the representation.

2. Directions issued in W.P.(MD) No.11581 of 2012 dated 5/9/2012 is extracted hereunder:-

<https://hcservices.ecourts.gov.in/hcservices/>

"5. Heard the counsel on either side and perused the materials available on record. To show



the bona fide of the petitioner, the learned counsel for the petitioner produced a demand draft as stated above and the same was handed over to the counsel appearing for the respondents. Under these circumstances, we direct the second respondent to consider the representation of the petitioner dated 2/8/2012 requesting for paying the loan amount in easy installments and after giving credit to the amount of Rs.3,00,000/- paid today, pass appropriate orders after giving opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. We also make it clear that till the representation of the petitioner is disposed of, there shall not be any coercive proceedings against the petitioner."

3. If for any reason, the respondent has not considered the same, no fresh writ petition would lie. Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is a special enactment which contains provisions to the aggrieved person to take recourse, in accordance with the provisions and hence, writ petition would not lie.

4. In the result, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar

\\True copy\\

Sub Assistant Registrar

To

1. The Authorized Officer, Arcil-Arms
Office at No.715 - C, 7th Floor
Spencer Plaza Phase II
No.769 Anna Salai
Chennai 2.

2. The Branch Manager, ICICI Bank (Home Finance)
Having Office at Thillai Nagar
Trichy 17.

+1cc to MR.G.KANTHAVADIVELLAN, ADVOCATE SR.NO.21569

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MVS

NA/11/05/2015/P2/4C