

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.4682 of 2014

and

M.P.No.1 of 2014

Abdul Shukoor

..Petitioner

vs.

1. The General Manager
REPCO Home Finance Ltd.,
Alexander Square
(Opp.Ashok Leyland Building)
Guindy, Chennai.
2. The Branch Manager
REPCO Home Finance Ltd.,
No.20, Ramakrishna Street
1st Floor, GRN Complex
West Tambaram
Chennai 600 044.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents, to consider the representation/request letter dated 09.12.2013 submitted by the petitioner.

For Petitioner : Mr.P.Srinivasan
No appearance

For Respondents : Mr.A.Ilangovan

ORDER

There is no representation on behalf of the petitioner.

2. Heard the learned counsel appearing on behalf of the respondents.

3. This writ petition has been filed praying that this Court may be pleased to issue a WRIT OF MANDAMUS, directing the respondents to consider the representation of the petitioner,

dated 09.12.2013, wherein the petitioner has suggested the payment of the amount of Rs.20,00,000/- towards the amount payable by him, as an One Time Settlement.

4. The learned counsel appearing on behalf of the respondents had submitted that the present writ petition has been filed, by the petitioner, suppressing the fact that the respondents had issued a demand notice, under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "Act"). The said notice, dated 09.12.2013, had been received by the petitioner, on 11.12.2013. Thereafter, a notice, under Section 13(4) of the Act, had been issued taking possession of the property in question. The said notice has been issued, on 28.02.2014, and it had been received by the petitioner, on 01.03.2014. On receipt of the notice, under Section 13(4) of the Act, the petitioner had challenged the same before the Debts Recovery Tribunal-III, Chennai, in S.A.No.172 of 2014.

5. In view of the submissions made by the learned counsel appearing on behalf of the respondents, this Court is of the considered view that the present writ petition, is not maintainable, as the petitioner had been issued with notices under Sections 13(2) and 13(4) of the Act. Further, the petitioner had challenged the notice issued, under Section 13(4) of the Act, before the Debts Recovery Tribunal-III, Chennai, in S.A.No.172 of 2014. Hence, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

+lcc to Mr.A.Ilangovan, Advocate Sr.41256

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srg 10/08/2016