

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.06.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.8248 of 2017
and
W.M.P. No.9008 of 2017

C.Rajapunitham

...Petitioner

Versus

HDFC Bank Ltd.
Rep. by its Authorised Officer,
2nd Floor, ITC Centre,
760, Anna Salai,
Chennai-600 002.

...Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records pertaining to the impugned possession notice dated 15.03.2017 issued by the respondent bank and quash the same.

For petitioner : Mr.V.R.Kamalanathan
For respondent : Mr.K.J.Parthasarathy

ORDER

(Order of the court was made by HULUVADI G.RAMESH,J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ petition has been filed seeking issuance of a writ of certiorari to call for the records pertaining to the impugned possession notice dated 15.03.2017 issued by the respondent bank and quash the same.

3. It appears that the petitioner, a Teacher by profession had availed a Home Loan and defaulted in payment and thereby facing proceedings under section 13(2) of the SARFAESI Act, 2002 and in that regard, she challenges the impugned possession notice by filing the present writ petition.

4. Considering the facts and circumstances of the case, the writ petition is disposed while directing the petitioner to approach the Debts Recovery Tribunal to redress her grievance. However, in the meanwhile, the respondent-bank shall not take coercive steps having regard to the paltry sum involvement viz., Rs.10,00,000/- and also even if possession is taken, the property shall not be alienated and sufficient opportunity be given to the petitioner pay the instalments. The petitioner also shall make attempts to pay the defaulted amount or to go for One time Settlement payable within a period of six months. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

+1 cc to M/s.V.R.Kamalanathan Advocate sr 39976

+1 cc to M/s.K.J.Parthasarathy Advocate sr 40025

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