

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.11917 of 2017

T.Ashok Surana .. Petitioner in person

Vs.

1 The Presiding Officer,
Debts Recovery Tribunal 2 Chennai,
4th Floor, Dewa Tower,
770-A, Anna Salail
Chennai - 600 002.

2 Housing and Urban Development
Corporation Ltd. (HUDCO)
T.N.Building, 5th Floor,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 08.

3 G.Bhanumathy

4 S.Masthan .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent Nos.1 and 2 to furnish the required details so that the action of the first respondent in publishing the Demand Notice in DRC No.166 of 2012 issued by the first respondent himself in O.A.No.71 of 2012 on the file of the Hon'ble DRT 2 Chennai is ultra vires and is also barred by limitation by application of Article 137 of the Limited Act prescribing a period of 3 years which expired in 2015 itself.

For Petitioner

: Mr.T.Ashok Surana
Petitioner in person

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition directed against the Demand Notice along with Recovery Certificate (DRC No.166 of 2012) issued to the respondent Nos.3 and 4 under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 by the first respondent, is not a public interest litigation at all.

2. There can be no public interest in recovery proceedings against individual borrowers. The petitioner has no locus standi to question the Recovery Certificate or Demand Notice issued to respondent Nos.3 and 4. It would perhaps be pertinent to note that the petitioner has initiated several writ petitions with regard to the recovery notices and/or recovery proceedings initiated against third persons which are of no concern to him. It appears that the petitioner has some interest because of the proceedings to which he himself has been subjected. Be that as it may, as observed above, there is no public interest involved.

3. From the averments in the affidavit in support of the writ petition, it is pertinently clear that the petitioner is not even aware of the facts of the case. It would be pertinent to quote paragraph 6 of the affidavit filed in support of the writ petition herein below:-

"6. I most humbly submit that the 2nd Respondent is the secured creditor who filed the OA No.71/2012 and got the DRC No.166/2012 issued presumably ex parte. Details of any action under Sarfaesi, if any taken earlier are not known."

(emphasis supplied)

4. The writ petition is, thus, dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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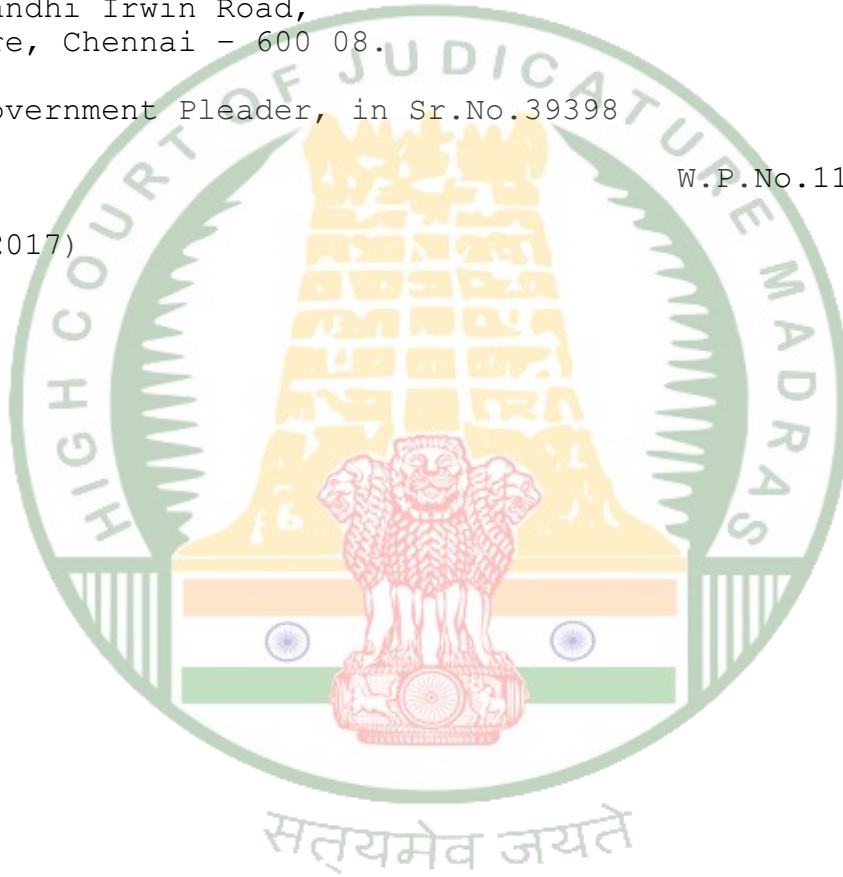
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+1cc to Government Pleader, in Sr.No.39398

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NR(09/06/2017)



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