



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**W.P. [MD].No.18075 of 2015
and
W.M.P (MD) .No.4864 of 2016**

P.Dhasammal : Petitioner

Vs.

1.The Branch Manager,
HDFC Bank Ltd.,
Court Road, Nagercoil,
Kanyakumari District.

2.The Divisional Manager,
HDFC Bank Ltd.,
Vazhuthacaud, Post Box.No.2288,
Tiruvananthapuram, Kerala.

3.The Managing Director,
HDFC Bank Ltd.,
Registered Office, Raman House,
H.T.Parekh Marg, No.169, Hakbav Reelamatin,
Churchgate, Mumbai.

4.The Authorized Officer, HDFC Bank Ltd.,
No.145, Bharathipuram,
Shenay Nagar, Thenampet, Chennai. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to quash the impugned possession notice dated 15.09.2015, issued by the fourth respondent.

For Petitioner : Mr.S.Titus

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

This Writ Petition has been filed seeking to quash the impugned possession notice dated 15.09.2015, issued by the fourth respondent.



2. The case of the petitioner is that she availed loan of Rs.2,50,000/- and Rs.1,25,000/-, by pledging the agricultural properties in Re.Survey No.382/14B, Nattalam Village, Vilavancode Taluk, Kanyakumari District. On 20.11.2013, the fourth respondent issued possession notice intending to take possession of the secured asset to an extent of 11 cents, comprised in Re.Survey No.382/14B, Nattalam Village, Vilavancode Taluk, Kanyakumari District. After receiving the said notice, the petitioner submitted her explanation orally. Thereafter, the fourth respondent issued yet another notice dated 20.01.2014, regarding the very same property. The petitioner, therefore, was constrained to file W.P.(MD).No.2648 of 2015 seeking a Writ of Mandamus, directing the respondents therein to close the loan account and further direct the respondents to return the documents pledged by the petitioner.

3. A Division Bench of this Court, by order dated 27.02.2015, while dismissing the Writ Petition, granted liberty to the petitioner to approach the appropriate forum. The petitioner, thereafter, once again, has come forward with the present Writ Petition seeking to quash the impugned possession notice dated 15.09.2015 issued by the fourth respondent.

4. Since the said Writ Petition filed by the petitioner regarding the very same properties, comprised in Re.Survey No.382/14B, Nattalam Village, Vilavancode Taluk, Kanyakumari District, was dismissed by the earlier Division Bench of this Court, giving liberty to the petitioner to approach the appropriate forum, the present Writ Petition, in our considered view, cannot be entertained. Hence, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

NB

+1CC to Mr.S.Titus, Advocate Sr.No.1760

GJM/KSM/SS2/25.1.17-2p-2C

**ORDER MADE IN
W.P. [MD].No.18075 of 2015**