



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND
THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD)No.2906 of 2017

and

W.M.P. (MD)Nos.2355 and 2356 of 2017

Sabari Realtors Pvt., Ltd.,
a Company Registered under the
Companies Act, 1956, having its
Office at New No.30, Old No.28,
6th Main Road, R.A.Puram,
Chennai-600 028,
Rep. by its Authorised Signatory

: Petitioner

Vs.

Housing Development Finance Corporation Ltd.,
(HDFC) Ltd., a company incorporated under
the Indian Companies Act, 1956, having its
Registered Office at Raymon House,
H7, Parekh Marg,
No.169, Bag Bay Reclamation,
Mumbai-400 020 and Branch Office,
at ITC Centre, 2nd Floor,
760, Anna Salai,
Chennai-600 002,
Rep. by its Authorized Officer

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records comprised in the proceedings of the respondent dated 28.01.2017 purporting to be under Section 13(4) of the SARFAESI Act and quash the same and consequently, direct the respondent to consider the claims of the petitioner for grant of reasonable time for repayment of the amounts due as contemplated in the said order including by rescheduling the terms of payment and/or by imposing such reasonable conditions as is imposing such reasonable conditions.

For Petitioner

: Mr.C.V.Subramanian

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

For Respondent

: Mr.Pala Ramasamy

**O R D E R**

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

The petitioner has come forward with the present Writ Petition for the following relief:

"Writ of Certiorari and Mandamus, to call for the records comprised in the proceedings of the respondent dated 28.01.2017 purporting to be under Section 13(4) of the SARFAESI Act and quash the same and consequently, direct the respondent to consider the claims of the petitioner for grant of reasonable time for repayment of the amounts due as contemplated in the said order including by rescheduling the terms of payment and/or by imposing such reasonable conditions as is imposing such reasonable conditions."

2. Though the petitioner has sought for a larger relief by way of Writ Petition, today, when the matter was taken up for consideration, it is the main submission of the learned counsel for the petitioner that if three months time is granted, the petitioner would pay the entire installment.

3. However, this Court is not inclined to grant any time, since the petitioner is having an alternative remedy before the Debts Recovery Tribunal.

4. At this juncture, the learned counsel for the petitioner submitted that the petitioner is willing to give a representation to the respondent and it would suffice, if a direction is given to the respondent to consider the same.

5. The Court heard the learned counsel for the respondent also.

6. In view of the submission so made, this Court is constrained to pass the following order:

The petitioner is at liberty to give a representation to the respondent, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. It is for the respondent to decide the representation on its own merits.

7. The Writ Petition stands disposed of in the above terms. No



costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

WEB COPY/True Copy/

Sub Assistant Registrar

SML

+1cc to Mr.PALA.RAMASAMY, Advocate Sr.No. 11895

+1cc to Mr.C.V.SUBRAMANIAN, Advocate Sr.No. 12031

JAM/17.03.17 / PM-PN/ 3P-3C

Order made in
W.P. (MD) No.2906 of 2017
02.03.2017