



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2017**

CORAM:

THE HONOURABLE **MR. JUSTICE T.S. SIVAGNANAM**

AND

THE HONOURABLE **MR. JUSTICE P. VELMURUGAN**

W.P. (MD) No.7148 of 2017

1.K.Sankar

2.S.Petchiammal

...Petitioners

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Manager,
Muthoot Housing Finance Company Ltd.,
South Veli Street,
Madurai.

3. The Authorized Officer,
Muthoot Housing Finance Company Ltd.,
T.C.No.14/2074-7, Muthoot Centre,
Punnen Road,
Thiruvananthapuram -625 034,
Kerala State.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner's property comprised in Survey No.312/4 situated at Palayamkottai Village, Aathoor Taluk, Dindigul District without due process of law.

For Petitioner : Mr.D.Christenson Jugunu

For Respondents : Mr.S.Chandrasekar for R1

Government Advocate

Mr.Pethu Ramesh for R2 and R3

O R D E R

[Order of the Court was made by **T.S. SIVAGNANAM, J**]

The petitioners, who are borrowers of the housing loan from the respondents 2 and 3, are before this Court to forbear the respondents from evicting them from the Survey No.312/4 situated at Palayamkottai Village, Aathoor Taluk, Dindigul District without due process of law.



standing counsel accepts notice for the respondents 2 and 3. By consent the writ petition itself is taken up for final disposal.

3. The counsel appearing for the respondents 2 and 3 on instructions submitted that pursuant to the action initiated under Section 13(4) of the SARFAESI Act, they had filed an application before the first respondent under Section 14 of the SARFAESI Act and orders were passed and actual physical possession of the house property has been taken over by the respondents 2 and 3 during last week and as on date, the key of the house property is with the respondents 2 and 3.

4. The learned counsel appearing for the petitioners on instructions submitted that the petitioners are ready and willing to settle the housing loan provided concession is extended to them by the respondents 2 and 3.

5. In the light of the fact that the respondents 2 and 3 have stated to have taken the possession of the house property and till date they have not taken any steps to issue sale notice, there will be a direction to the petitioners to approach the second respondent by way of representation, in which they should make a clear offer as to how they propose to liquidate their entire dues. After the receipt of such representation, the second respondent or the competent authority of the Muthoot Housing Finance Company Limited, shall take a decision on the representation, on merits and in accordance with law, within a period of 2 weeks from the date of receipt of the representation. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.

+1cc to Mr.S.Ramakrishnan, Advocate Sr.No.52620

+1cc to Mr.P.Pethu rajesh, Advocate Sr.No.52707

+1cc to Spl.Government Pleader Sr.No.53159

jikr

vb/sv/mms/sar4/27.04.2017/2p/5c

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