



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.6435 of 2018
and
W.M.P.(MD) No.6245 of 2018

V.Muthammal

... Petitioner

-vs-

1.The General Manager,
Reserve Bank of India, Chennai.

2.The Authorised Officer,
DHFL Vysya Housing Finance Ltd.,
No.78/4, 4th Floor, HDFC Bank Upstairs,
Bye Pass Road, Ponmeni,
Madurai - 625 016.

3.The Authorised Officer,
DHFL Vysya Housing Finance Ltd.,
No.64, Mangai Tower, Bangalai Market
Opp. Taxi Stand, Dindigul - 624 001.

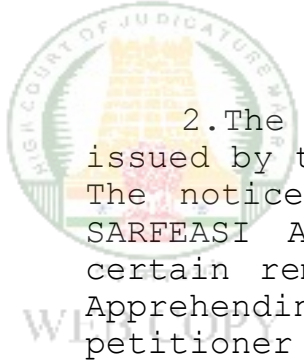
... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for all records pertaining to the demand notice issued by the 2nd respondent in his proceedings in REF:DVHFL:MDU-AUG:2013 dated 17.08.2013 quash the same and thereby directing the 2nd and 3rd respondents to give sufficient time to the petitioner to discharging the house loan and further direct the 2nd and 3rd respondents do not interfere with the petitioner's house property with regard to property in old Natham Survey No.687/2, New Survey No.947/2 to an extent of 572 sq. ft. situated at Kandaiyanpatti Village, Paraipatti Panchayat, Aathur Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathi Sankar

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)



2.The petitioner is before this Court challenging an notice issued by the second respondent, which is a private finance company. The notice was issued in the year 2013 under Section 13 (2) of SARFEASI Act. It appears that the petitioner had been making certain remittance even after the receipt of the impugned notice. Apprehending that the respondents 2 and 3 will dispossess the petitioner from the dwelling house, the petitioner approached this Court by way of writ petition. Since the impugned notice was issued in the year 2013, we cannot interfere with the same at this juncture.

3.It is not clear as to what is the current outstanding. According to the learned counsel for the petitioner, total amount payable by the petitioner is Rs.2,22,308/-. In any event, we cannot interfere with the notice issued under Section 13(2) SARFAESI Act, more so when the impugned notice is dated 17.08.2013. However, considering the fact that the loan amount is less than Rs.2,50,000/-, we give liberty to the petitioner to approach the respondents 2 and 3 by way of proper settlement proposal and also remitting substantial amount. Such remittance is made and representation is given to respondents 2 and 3, the same shall be considered in accordance with law.

4.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

+1CC TO M/S.G.GOMATHI SANKAR, ADVOCATE, SR NO.57809

W.P.(MD) No.6435 of 2018

and

W.M.P.(MD) No.6245 of 2018

26.03.2018

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MS/SKN-RSK/SAR-1/27.03.2018/2P.2C