

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 11735 of 2020
and
W.M.P.No. 14427 of 2020

1.R.Balaji Sundaram

2.B.Thenmozhi

...Petitioners

Vs.

1.M/s.Reliance Home Finance Ltd.,
Rep. By its Authorised Officer,
3rd Floor, Malik Estates 6-3-344,
Opp.J.V.Rao Park Road No-1,
Banjara Hills,
Hyderabad - 500 034.

2.A.G.Shakthi Subramani

...Respondents

Petition under Article 226 of the Constitution of India
praying for a Writ of Mandamus directing the first respondent to
serve the sale notice, the documents relating to the auction and
sale conducted and the Sale Certificate and all the other
documents relating to the sale of the subject property in order
to invoke the appropriate forum to avail the opportunity to
challenge the proceedings of the first respondent and the right
of the second respondent as per the provisions of the SARFAESI
Act.

For Petitioners : Ms.R.Shase for
Mr.M.Guruprasad

For Respondents : Mr.K.J.Parthasarathy for R1

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioners have come forward to file this writ
petition with the grievance that the notice under Section 13(2)

of the SARFAESI Act and the auction notice have not been furnished to them.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first respondent.

3. Learned counsel appearing for the first respondent submitted that along with the other documents, these documents were also served.

4. We are not inclined to go into the said factual controversy. Considering the limited scope of the prayer sought for, we direct the first respondent to serve Section 13(2) notice and the auction notice within a period of two weeks from the date of receipt of a copy of this order. We make it clear that all the issues are left open including the question of service of notice and the consequential question of delay, laches and acquiescence.

5. With the above said direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

The Authorised Officer,
M/s. Reliance Home Finance Ltd.,
3rd Floor, Malik Estates 6-3-344,
Opp. J.V. Rao Park Road No-1,
Banjara Hills,
Hyderabad - 500 034.

+1cc to Mr. Guruprasad, Advocate, SR.No.30376

W.P.No. 11735 of 2020

AJS (CO)
RN(19/10/2020)