

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.3981 of 2021

1. V.Lakshmi

2. N.Venkatesan Petitioners

Vs

1. The District Magistrate and
District Collector
at Kancheepuram
Kancheepuram District.

2. The Thasildar
Tambaram
Chennai - 600 045.

3. The Assistant Commissioner of Police
Selaiyur
Chennai - 600 073.

4. The Authorized Officer
Indiabulls Housing Finance Limited
No.20, Apex Chamber, 3rd Floor
Sir Thyagaraya Road
Chennai - 600 017.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent vide Notice dated 9.2.2021 in Na.Ka.No.426/2021/A1 and as a consequential relief by way of direction directing respondents 1 to 4 from taking coercive action by taking physical possession of the property bearing Door No.284/3A, Agaram Main Road, Indira Nagar, Selaiyur, Chennai - 600 073.

For Petitioners : Mr.T.Ramachandran

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondents 1 to 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This is another of the completely misconceived petitions where the writ jurisdiction has been invoked by debtors who have defaulted in making payment to the secured creditor.

2. Even if it is accepted that the petitioners owe nothing to the fourth respondent bank, it was for the petitioners to approach the Debts Recovery Tribunal upon steps being taken in respect of the secured assets.

3. The Writ Court is scarcely the forum where disputed questions of fact pertaining to a bank and its constituent can be addressed. It also appears that the fourth respondent bank has obtained an order from the authority approached under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. The dismissal of the writ petition will not stand in the way of the writ petitioners approaching the appropriate Debts Recovery Tribunal in accordance with law. The merits of the matter have not been gone into.

5. W.P.No.3981 of 2021 is dismissed. There will be no order as to costs. Consequently, W.M.P.No.4545 of 2021 is closed.

6. The petitioners should immediately inform the fourth respondent bank of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

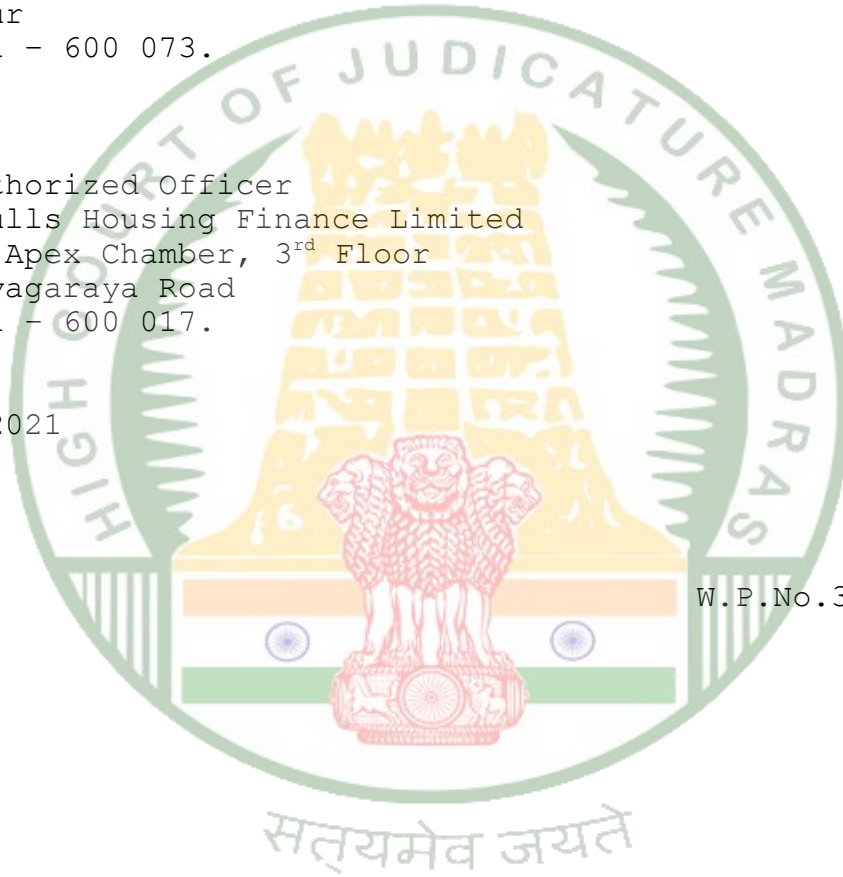
To:

1. The District Magistrate and
District Collector
at Kancheepuram
Kancheepuram District.
2. The Thasildar
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Chennai - 600 045.
3. The Assistant Commissioner of Police
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Copy to:

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KV(CO)
SM/03/03/2021



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