



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15450 of 2021

and

W.M.P(MD)No.12348 of 2021

B.Kamaraj

... Petitioner

Vs.

1.The Authorised Officer,
APTUS Value Housing Finance India Limited,
No.8 B, Doshi Towers,
205, Poonamalle High Road,
Kilpauk, Chennai.

2.The Managing Director,
APTUS Value Housing Finance India Limited,
Corporate Office, No.8 B Doshi Towers,
205, Poonamalle High Road,
Kilpauk, Chennai.

3.The Manager,
APTUS Value Housing Finance India Limited,
Door No.114/7G, First Floor,
Kandapuram Street,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice of the first respondent under Section 13(2) of the SARFAESI Act, dated 05.08.2021 and quash the same.

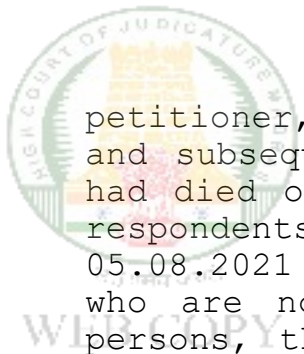
For Petitioner	: Mr.N.Mariappan
For Respondents	: Mr.V.Sukumar

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice of the first respondent under Section 13(2) of the SARFAESI Act, dated 05.08.2021 and to quash the same.

2.It is the case of the petitioner that he is the son of late A. Balamurugan and late Mrs.B.Ganapathiammal. According to the



petitioner, his parents obtained home loan from the third respondent and subsequently his father had died on 24.03.2019 and his mother had died on 06.04.2016. Further, the petitioner contented that the respondents Financial Institution had issued a notice, dated 05.08.2021 under Section 13(2) of the SARFAESI Act to his parents, who are no more. Since the notice has been issued to the dead persons, the petitioner, who is the son of late A.Balamurugan and late Mrs.B.Ganapathiammal, has filed the above Writ Petition to quash the notice dated 05.08.2021 issued under Section 13(2) of the SARFAESI Act. It is also brought to the notice of this Court that the petitioner's sister by name Ramalakshmi is also a legal heir of the deceased A.Balamurugan and Mrs.B.Ganapathiammal.

3.Mr.V.Sukumar, learned counsel taking notice for the respondents submitted that since the notice issued under Section 13 (2) of the SARFAESI Act was addressed to the dead persons, the respondents are withdrawing the notice dated 05.08.2021 and seeks liberty to issue fresh notice under Section 13(2) of the SARFAESI Act to the legal heirs of late A.Balamurugan and late Mrs.B.Ganapathiammal.

4.The submissions made by the learned counsel for the respondents is recorded.

5.Since the respondents are withdrawing the notice dated 05.08.2021 issued under Section 13(2) of SARFAESI Act, we do not find any reasons to pass any further orders in the Writ Petition. Accordingly, the Writ Petition stands closed. Liberty is given to the respondents Financial Institution to issue fresh notice under Section 13(2) of the SARFAESI Act to the legal heirs of late A.Balamurugan and late Mrs.B.Ganapathiammal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

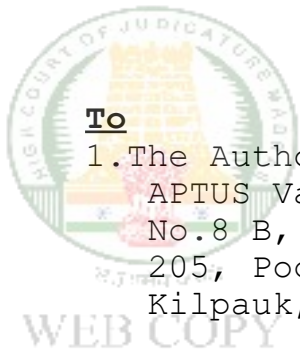
Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

- 1.The Authorised Officer,
APTUS Value Housing Finance India Limited,
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- 2.The Managing Director,
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RS (06.09.2021) 3P 4C