



WEB COPY

W.P.(MD)No.22713 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.12.2021
CORAM :

**THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.22713 of 2021

and

W.M.P (MD) .Nos.19192 to 19194 of 2021

1.P.Murugan

2.M.Seetha Lakshmi

.. Petitioners

Vs.

1.The Manager,
Aadhar Housing Finance Limited,
No.338/1, Ramkv Square,
First Floor, First East Main Road,
Above Canara Bank,
Anna Nagar,
Madurai- 625 020.

2.The Authorized Officer,
Aadhar Housing Finance Limited,
CIN: U66010KA1990PLCO11409,
Registered Office:Second Floor,
No.3, JVT Towers, 8th 'A'Main Road,
S.R.Nagar, Bengaluru 560 027.
Karnataka.

3. The Managing Director,
Aadhar Housing Finance Limited,
No.201, Raheja Point -1, Near SVC Bank,
Nehru Road, Vakola,
Santacruz(E), Mumbai - 400 055.

.. Respondents.

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari filed Mandamus calling for the records relating to the impugned possession and sale notice dated 12.10.2021 issued by the first respondent under Section 13(4) of the SARFAESI Act r/w Rule 8 of the Security Interest Enforcement Rules, 2002, to quash the same and consequently to direct the respondent Bank to receive the accrued arrears with interest in one lumpsum and further to permit the Petitioners to continue to pay the regular EMI as per schedule.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioners : Mr.K.Appadurai

ORDER

[Order of the Court was made by
PUSHPA SATHYANARAYANA, J]

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By this writ petition, a challenge is made to the possession notice under Rule 8 of the Security Interest (Enforcement) Rules, 2002.

2. The petitioner is having remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter 'the Act' for brevity] but without maintaining an appeal before the Debts Recovery Tribunal [hereinafter 'DRT' for brevity], this writ petition has been filed. The precise reason for filing of this writ petition is the absence of the Presiding Officer at DRT, Madurai. The ground aforesaid could have been taken only after filing the appeal, as otherwise, it has to be within the limitation provided under Section 17 of the Act. It is more so, when in the absence of the Presiding Officer at DRT, Madurai, matters are being taken up by DRT, Coimbatore on Fridays.

3. In view of the above, the petitioner prays for withdrawal of the writ petition with liberty to maintain an appeal before the DRT, Madurai.

4. If the aforesaid appeal is filed within limitation and if it remains in order, DRT, Madurai is directed to transmit the matter to DRT, Coimbatore for hearing of the appeal on **31.12.2021**.

5. The writ petition is disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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.

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To

1.The Debts Recovery Tribunal, Madurai.

2.The Debts Recovery Tribunal, coimbatore.

W.P. (MD) No.22713 of 2021
22.12.2021

SK(CO)

SB(30.12.2021) 3P 3C