



WEB COPY

W.P.(MD) No. 9873 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No.9873 of 2016

and

W.M.P(MD).Nos.10173 and 7792 of 2016

A.Baskar

... Petitioner

Vs

1.National Trust Housing Finance Limited,
represented by its Managing Director,
1/1B, Club House Road, Subramanian Building,
Ground Floor, Anna Salai,
Chennai-600 002.

2.The Authorised Officer,
National Trust Housing Finance Limited,
1/1B, Club House Road, Subramanian Building,
Ground Floor, Anna Salai,
Chennai-600 002.

3.National Trust Housing Finance Limited,
represented by Branch Manager,
No.2, Aravindh Plaza, 1st Floor,
Fort Station Road, Teppakulam,
Tiruchirappalli-2.

... Respondents

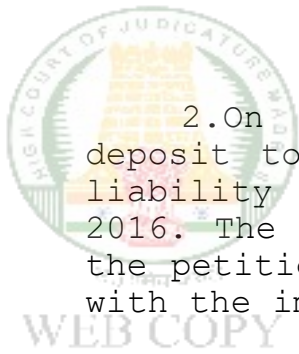
PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the records from the second respondent, dated 25.05.2016 relating to the taking over of possession of the petitioner's property in exercise of his powers conferred on him under Section 13(4) of read with Rule 9 cautioning the petitioner not to deal with the property and quash the same.

For Petitioner : Mr.S.K.Mani
For Respondents : No appearance

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petition was instituted in the year 2016.



2. On June 6, 2016, a limited order was passed requiring a deposit to be made with the first respondent and the outstanding liability was required to be liquidated on or before August 1, 2016. The order also provided that if any default was committed by the petitioner, it would be open to the first respondent to proceed with the impugned notice, dated May 25, 2016.

3. It is now judicially recognised that a writ court would not interfere with any notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 or, indeed, with measures taken under Section 13(4) of the Act. There can be little dispute that at the stage of receipt of a notice under Section 13(2) of the Act, the noticee cannot challenge the relevant notice as the noticee has to await any measures being adopted by the secured creditor under Section 13(4) of the Act before challenging such measures before the jurisdictional Debts Recovery Tribunal.

4. In this case, the order was self-contained and it incorporated a default clause and has worked itself out. Whether or not the petitioner has made the deposit or the subsequent payment, since the petition has been pending for a considerable period and the petitioner has taken no interest in bringing the matter in the list or otherwise prosecuting the same, WP(MD) No. 9873 of 2016 is disposed of without any further order.

5. It is made clear that notwithstanding the previous order, if any steps had been taken against the petitioner by the secured creditor in accordance with law, the same will remain unaffected by the previous order.

There will be no order as to costs. WMP(MD).Nos. 10173 and 7792 of 2016 are closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PM/PJL

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.National Trust Housing Finance Limited,
represented by its Managing Director,
1/1B, Club House Road, Subramanian Building,
Ground Floor, Anna Salai,
Chennai-600 002.

2.The Authorised Officer,
National Trust Housing Finance Limited,
1/1B, Club House Road, Subramanian Building,
Ground Floor, Anna Salai,
Chennai-600 002.

3.National Trust Housing Finance Limited,
represented by Branch Manager,
No.2, Aravindh Plaza, 1st Floor,
Fort Station Road, Teppakulam,
Tiruchirappalli-2.

W.P. (MD) No.9873 of 2016
25.10.2021

NSN (CO)

RS/UV (10.11.2021) 3P 4C