



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2022

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P (MD)No.1572 of 2022

and W.M.P. (MD) No.1374 of 2022

Pandiarajan

... Petitioner

Vs.

Housing Development Finance Corporation Ltd.,
(HDFC Ltd),
Rep. by Authorised Officer,
S.M.Saravanan,
S/o.S.Mariappan,
No.406, Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross Street,
K.K.Nagar (East),
Madurai - 625 020.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent bank from initiating any proceedings under Securitization Act pending disposal of LSP No.30/2022 on the file of District Legal Service Authority by considering the petitioner's representation dated 12.01.2022.

For Petitioner : Mr.K.Baalasundharam

For Respondent : Mr.Palaramasamy
Standing Counsel

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

The Writ Petition is filed for a direction upon the respondent bank from initiating any proceedings under Securitization Act pending disposal of LSP No.30/2022 on the file of District Legal Service Authority by considering the petitioner's representation dated 12.01.2022.



2.Heard Mr.K.Baalasundharam, learned counsel for the petitioner and Mr.Pala Ramasamy, learned Standing Counsel, who accepts notice on behalf of the respondent.

3.Admittedly, an order has been passed by the respondent bank under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It is also stated that it is the third Writ Petition filed challenging the proceedings under SARFAESI Act.

4.The petitioner has also approached the Legal Services Authority for mediating the dispute and it is taken on record as LSP No.30 of 2022 and the same is posted on 21.02.2022. Now, the prayer is not to take action pending disposal of the said LSP No.30 of 2022. If the petitioner is so concerned, it is open to him to approach the Legal Services Authority to expedite the hearing after serving notice on the respondent and give a quietus to the issue. The conduct of the petitioner only shows he is delaying the repayment and also not allowing the bank to proceed with the matter.

5.The learned counsel for the petitioner also submitted that one of the tenant of the secured asset is willing to purchase it, which would enable him to discharge the entire outstanding. If that is so, to show his bonafide, let him approach the Legal Service Authority along with the prospective purchaser and make his offer before the Authority which is acceptable by the respondent on or before 07.02.2022. Till such time, his possession will not be disturbed.

6.The Writ Petition stands disposed of with the above directions and observations. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

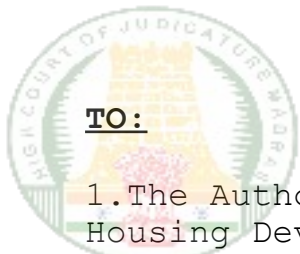
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/ /2022

Sub Assistant Registrar(CS)

sj

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,
Housing Development Finance Corporation Ltd.,
(HDFC Ltd),
No.406, Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross Street,
K.K.Nagar (East),
Madurai - 625 020.

2. The Officer In-charge,
Legal Aid Service Committee,
District court Complex, Madurai-625 020.

W.P (MD) No.1572 of 2022
28.01.2022

_RD(03.02.2022) 3P 3C