



W.P.(MD) No.10369 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.10369 of 2022

and

W.M.P.(MD)No.7372 of 2022

M.Pauldurai

... Petitioner

-Vs-

Aspire Home Finance Corporation Limited,

Through its Authorized Officer,

Shop No.2, First Floor, 'V' Complex,

Door No.6/81, Avadi Main Road,

Sennerkuppam, Poonamalle-600056.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the possession notice dated 22.09.2021 under Section 13(4) of SARFAESI Act, r/w Rule 8 of Securities Interest (Enforcement) Rules, 2002 on the file of the respondent as well as the consequential order passed by the learned Chief Judicial Magistrate,

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Tirunelveli in Crl.M.P.No.12719 of 2021, dated 18.04.2022 under Section 14(1) of SARFAESI Act and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.R.Krishnan

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the possession notice dated 22.09.2021, issued by the respondent under Section 13(4) of SARFAESI Act, r/w Rule 8 of Securities Interest (Enforcement) Rules, 2002 as well as the consequential order passed by the learned Chief Judicial Magistrate, Tirunelveli in Crl.M.P.No.12719 of 2021, dated 18.04.2022 under Section 14(1) of SARFAESI Act, the petitioner has filed this Writ Petition.

2.When the matter was taken up for hearing, the learned counsel for the respondent – Bank submitted that the petitioner has not complied with the conditional interim order of this Court dated 25.05.2022.

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3.At this juncture, the learned counsel for the petitioner submitted that the petitioner may be granted liberty to work out his remedy before the Debts Recovery Tribunal.

4.In view of the above submissions, this Writ Petition is closed, granting liberty to the petitioner to work out his remedy before the Debts Recovery Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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