



W.P(MD) No.12320 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 17.11.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN  
and  
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.12320 of 2022  
and  
WMP(MD) Nos.8748 to 8750 of 2022**

1. P.Jebadurai
2. D.Paulraj
3. P.Jebastin
4. P.Paul Thangam
5. P.Jegan Christoper ... Petitioner

**-VS-**

1. M/s. Sundaram House Finance,  
Limited,  
Rep. by its Authorized Officer,  
M.Sivabalan, S/o. C.Muniyandi,  
Sundaram Home Finance Limited,  
No.51, 3<sup>rd</sup> Floor, KASP Towers, Bye-Pass Road,  
Ponmeni, Madurai – 625 010.

2. M/s. Sundaram Bnp Paribas Home  
Finance Limited,  
Formerly Known as (Sundaram Home Finance Limited),  
No.46, Whites Road, Chennai-600014, Rep. by  
its Authorized Officer, R.Shanmugam



W.P(MD) No.12320 of 2022

3. The Chief Judicial Magistrate,  
Tuticorin District, Tuticorin.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3<sup>rd</sup> respondent under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in Cr.M.P.No.5392 of 2021 dated 25.11.2021 and quash the same and consequently directing the first respondent to hand over the physical possession of the secured property to the petitioners within stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.A.S.Shangeetha

For Respondents : Mr.M.E.Elango  
for R1  
No appearance for R2

### **ORDER**

**(Order of the Court was made by R.MAHADEVAN, J.)**

The instant writ petition has been filed challenging the order dated 25.11.2021, passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, by the learned Chief Judicial Magistrate, Thoothukudi.



W.P(MD) No.12320 of 2022

2. Today, when the matter was taken up for hearing, the learned Standing Counsel for the respondents – Bank submitted that the petitioners have not complied with the conditional interim order of this Court dated 20.06.2022.

3. At this juncture, the learned counsel for the petitioners submitted that subsequent to the filing of this writ petition, the respondents – Bank had issued another sale certificate, which is challenged in W.P(MD) No.24298 of 2022 and hence the petitioners may be granted liberty to work out their remedies in the pending writ petition.

4. Recording the said submission of the learned counsel for the petitioners and granting such liberty, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]  
17.11.2022

Index : Yes / No  
Internet : Yes / No  
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*W.P(MD) No.12320 of 2022*

**R.MAHADEVAN, J.**  
**and**  
**J.SATHYA NARAYANA PRASAD, J.**

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To

The Chief Judicial Magistrate,  
Tuticorin District, Tuticorin.

**W.P.(MD) No.12320 of 2022**

**17.11.2022**