



W.P.(MD)No.15815 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.15815 of 2022
and
W.M.P.(MD)No.11403 of 2022

Iyappan

... Petitioner

Vs.

Cholamandalam Investment & Finance Co., Ltd.,
represented by its Authorised Officer,
Thiyagu Neelamegal, Chennai-600 001. ... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the possession notice, dated 21.05.2022 issued under Rule 8(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by respondent based on their application under Section 14(1) & (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 filed by the respondent herein and to quash the same as illegal.

For Petitioner :Mrs.A.Banumathy

For Respondent :Mr.P.Pethurajesh



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ORDER

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(Order of the Court was made by **S.S.SUNDAR, J.**)

Challenging the impugned possession notice, dated 21.05.2022 issued under Section 14 of SARFAESI Act, the above Writ Petition is filed.

2.Heard Mrs.A.Banumathy, learned Counsel for the petitioner and Mr.P.Pethu Rajesh, learned Standing Counsel, who takes notice on behalf of the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner has admitted that possession had already been taken by the respondent pursuant to the order passed by the learned Chief Judicial Magistrate, Sivagangai, dated 11.03.2022 in Crl.M.P.No. 5730 of 2021.

4.The present Writ Petition is filed challenging the possession notice, dated 21.05.2022. In the impugned notice itself, the borrowers were informed that the authorised officer of the bank has already taken possession of the secured property pursuant to the order, dated 11.03.2022 passed by the learned Chief Judicial Magistrate, Sivagangai, in Crl.M.P.No.5730 of 2021.



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5. In view of the factual position, the Writ Petition is not necessary and that the Writ Petition need not be filed challenging the impugned possession notice indicating the fact that possession had already been taken. Hence, this Writ Petition is dismissed. However, liberty is given to the petitioner to challenge the further proceedings, if they are not in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
21.07.2022

Index : Yes / No

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and

S.SRIMATHY, J.

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