



W.P.(MD)No.17436 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :04.08.2022

CORAM:

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

W.P(MD)No.17436 of 2022
and
W.M.P(MD)Nos.12701 and 12702 of 2022

Veldurai

... Petitioner

Vs.

The Authorized Officer,,
M/s. Religare Housing Development
Finance Corporation Ltd.,
9th Floor Paras Twin Towers,
Tower-B Sector-54, Golf Course Road,
Gurgaon- 122 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating the impugned possession notice issued by the respondent dated 22.02.2018 and to quash the same as illegal.

For Petitioner

: Mr.M.Sankar



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ORDER

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

This writ petition is filed challenging the notice issued under Section 13(4) of the SARFAESI Act, dated 22.02.2018, informing that symbolical possession of the secured asset had been taken by the respondent bank and the petitioner shall not deal with the property.

2. Heard Mr.M.Sankar, learned counsel for the petitioner.

3. The respondent bank has issued a demand notice on 17.11.2017. Despite a demand notice was issued followed by the possession notice dated 22.02.2018, this writ petition is filed after a period of five years. The petitioner cannot challenge the demand notice. The possession notice taking symbolical possession does not affect the right of the petitioner particularly when the petitioner has not raised even a single ground pointing out any illegality or irregularity in the notice taking symbolical possession.



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4. The grievance of the petitioner is that by virtue of the proceedings initiated by the respondent bank, the petitioner has not supposed to deal with the property which is the subject matter of mortgage in favour of the respondent bank. This Court is unable to see any bonafides in approaching this Court and hence, this writ petition is liable to be dismissed.

4. In the result, this writ petition is dismissed giving liberty to the petitioner to approach the Debts Recovery Tribunal for appropriate orders challenging any further proceedings including sale of the property or for taking physical possession of the property. No Costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
04.08.2022

Index : Yes / No

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