



W.P.(MD)No.20473 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM

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

W.P(MD)No.20473 of 2022
and
W.M.P.(MD)No.14824 of 2022

Suresh

... Petitioner

Vs.

1.The Authorised Officer,
M/s.HDFC Limited,
Thiruvananthapuram-695 010.

2.The Branch Manager,
M/s.HDFC Finance Co.Ltd.,
Tirunelveli District.-627 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Cr.M.P.No.901 of 2022, dated 17.05.2022 on the file of the Chief Judicial Magistrate, Tirunelveli and to quash the same as illegal.

For Petitioner :Mr.S.Muniyandi

For Respondents :Mr.Pala.Ramasamy



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ORDER

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

This Writ Petition is filed challenging the impugned order of learned Chief Judicial Magistrate, Tirunelveli, dated 17.05.2022 in an application filed by the respondent bank under Section 14 of SARFAESI Act.

2.Heard Mr.S.Muniyandi, learned Counsel for the petitioner and Mr.Pala.Ramasamy, learned Counsel, who takes notice on behalf of the respondent. By consent of both parties, the present Writ Petition is taken up for final disposal at admission stage.

3.The learned Counsel for the respondent bank states that the possession of the residential house of the petitioner was taken on 29.06.2022 pursuant to the order of learned Chief Judicial Magistrate, Tirunelveli. He further states that a sale notice, dated 14.08.2022 was also issued fixing the date of auction on 21.09.2022.

4.In these circumstances, this Court is not inclined to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. However, liberty is given to the petitioner to challenge the sale notice, dated



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14.08.2022 as well as the the order impugned in this Writ Petition, dated 17.05.2022. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
01.09.2022

Index : Yes / No

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