



W.P.(MD) No.27648 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.27648 of 2022

and

W.M.P.(MD) Nos.21761 & 21759 of 2022

Dr.N.Shanmuga Sankar Ram

... Petitioner

Vs.

The Authorised Officer
LIC Housing Finance Ltd.,
Madurai Area Office,
No.3, First Floor, Jeevan Jyothi,
LIC Building, West Masi Street,
Madurai.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the impugned notice dated 15.07.2022 on the file of the respondent is null and void.



W.P.(MD) No.27648 of 2022

WEB COPY

For Petitioner : Mr.S.Kumar
For Respondent : Mr.A.Saravanakumar,
Standing Counsel.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Declaration, declaring the impugned notice dated 15.07.2022 on the file of the respondent is null and void.

2. According to the petitioner, without issuing demand notice under Section 13(2) of the SARFAESI Act, the respondent has issued the impugned possession notice dated 15.07.2022, under Section 13(4) of the SARFAESI Act and therefore, the impugned order is liable to be set aside.



W.P.(MD) No.27648 of 2022

WEB COPY

3. The learned counsel appearing for the respondent drew the attention of this Court to the typed set of papers filed by the respondent and submitted that the respondent has issued the demand notice dated 25.02.2022, under Section 13(2) of the SARFAESI Act and the same was returned with an endorsement 'no such addressee'. Thereafter, the respondent has issued the impugned possession notice dated 15.07.2022 under Section 13(4) of the SARFAESI Act, and the same has also been returned with an endorsement 'no such addressee' and hence, this Writ Petition is liable to be dismissed.

4. We peruse the address as shown in the Section 13(2) notice dated 25.02.2022 and also the impugned notice dated 15.07.2022. The petitioner has given the very same address in the affidavit of the writ petition.

5. In view of the above, we are of the view that the petitioner has not approached this Court with clean hands and therefore, we are not inclined to entertain this writ petition.



W.P.(MD) No.27648 of 2022

WEB COPY 6. Accordingly, this writ petition is dismissed, granting liberty to the petitioner to work out his remedy before the Debts Recovery Tribunal, Madurai, if he so advised. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

09.12.2022

Index : Yes / No

Internet : Yes / No

vsm



W.P.(MD) No.27648 of 2022

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W.P.(MD) No.27648 of 2022

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