



WP No.5018 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.5018 of 2023
and WMP No.5050 of 2023

R.Prakash

.. Petitioner

-VS-

1. HDFC Bank,
I, II and VI Floor, ITC Centre,
760, Anna Salai, Chennai 600 002.
2. HDFC Ergo General Insurance Company Ltd.,
6th Floor, Leela Business Park,
Andheri Kurla Road, Andheri (East),
Mumbai 400059.
3. The Authorized Officer,
HDFC Bank, II Floor,
ITC Centre, 760, Anna Salai,
Chennai 600 002.
4. The Reserve Bank of India,
Rep. by its Governor,
Rajaji Salai, Chennai 600 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to not to



WP No.5018 of 2023

take any further action under SARFAESI Act on the property situated at Flat No.F-1, Plot No.4, KJ Nagar extension, Guduvanchery, Chennai 603 202 till the disposal of C.C.No.287 of 2022 pending on the file of the State Consumer Disputes Redressal Form (South) at Chennai.

For the Petitioner : Mr.M.Jaikumar
For the Respondents : Mr.K.J.Parthasarathy
for RR 1 and 3
: No appearance for R-2
: Mr.C.Mohan
for M/s.King & Patridge for R-4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Jaikumar, learned counsel for the petitioner, Mr.K.J.Parthasarathy, learned counsel for respondent Nos.1 and 3 and Mr.C.Mohan, learned counsel for respondent No.4. None appears for respondent No.2

2. The petition is filed seeking directions against the first respondent not to take further action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the SARFAESI Act') on the ground that the



WP No.5018 of 2023

petitioner had already moved the State Consumer Disputes Redressal Forum (South) at Chennai.

3. The learned counsel for the bank submits that the action under the SARFAESI Act is initiated and even notice under Section 13(4) of the SARFAESI Act has been issued. The application under Section 14 of the SARFAESI Act also is filed and pending.

4. The petitioner may assail the action taken by the respondent bank in accordance with law. In that event, all contentions are kept open.

With this observation, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.5050 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No

Neutral Citation : Yes/No

sra

Page 3 of 4



WEB COPY



WP No.5018 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

The Governor,
Reserve Bank of India,
Rajaji Salai, Chennai 600 001.

WP No.5018 of 2023

11.10.2023