



W.P.No.4464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4464 of 2023

and W.M.P.Nos.4486 and 4494 of 2023

1.Balasubramaniam Srivani

2.Pachiappan Marimuthu Balasubramaniam

.. Petitioners

Vs

1.The Authorized Officer,
M/s.Fullerton India Home Finance Co. Ltd.,
Having its Registered Office at Megh Towers,
3rd Floor, Old No.307, New No.165,
Poonamallee High Road,
Maduravoyal,
Chennai-600 095.

2.The Authorized Officer,
M/s.Fullerton India Home Finance Co. Ltd.,
Having its Branch Office at
1st Floor, Old No.16, 17, New No.21,
Block No.05, Car Street,
Salem-636 001.



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3.The Authorized Officer,
M/s.Fullerton India Home Finance Co. Ltd.,
Having its Office at
1st Floor, No.178, Krishnaswamy Mudaliyar Road,
RS Puram, Coimbatore-641 002.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the entire records of the E-Auction sale notice issued by the respondent Bank dated 28.1.2023 fixing the date of sale on 16.2.2023 and quash the same as bad in law and direct the respondent Bank to consider the One Time Settlement offered by the petitioners vide their letter dated 10.2.2023.

For the Petitioner : Mr.Haja Nazirudeen
Senior Counsel
for Mr.E.C.Ramesh

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

The application, being W.M.P.No.4486 of 2023, filed to permit the petitioners to file a single writ petition is allowed, inasmuch as they have paid separate court-fee.



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2. This writ petition has been filed by the petitioners to quash the e-auction sale notice dated 28.1.2023 issued by the respondent bank fixing the date of sale as 16.2.2023 and to direct the respondent Bank to consider the One-Time Settlement offer made by the petitioners dated 10.2.2023.

3. *Prima facie*, the present writ petition is bereft of bare minimum particulars. The affidavit filed in support of the writ petition does not contain the following details: (i) how much amount was borrowed by the petitioners; (ii) how much amount was repaid by the petitioners; and (iii) how much amount is outstanding as on date. Thus, the writ petition is liable to be dismissed on this score alone.

4. That apart, Section 17(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for brevity, "*the Act*"] says that any person, including the borrower, aggrieved by any of the measures referred to in sub-section (4) of Section 13 taken by the secured creditor or



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the Authorised Officer, may make an application before the Debts Recovery Tribunal having jurisdiction in the matter. When the petitioners have got an effective and efficacious alternative statutory remedy available before the Debts Recovery Tribunal, they have to avail of such remedy instead of approaching the High Court.

5. In view of the above, the writ petition is dismissed. However, liberty is granted to the petitioners to approach the Debts Recovery Tribunal in accordance with law. There will be no order as to costs. Consequently, W.M.P.No.4494 of 2023 is closed.

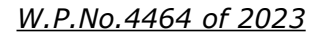
(T.R., ACJ.) (D.B.C., J.)
15.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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Note to Registry:

The Registry is directed to return the original impugned order after replacing the same with photocopy.

B/o
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THE HON'BLE ACTING CHIEF JUSTICE
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