



WP No.8221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.8221 of 2023

1.R.Sujatha

2.K.Anbalagan

: Petitioners

versus

The Authorised Officer,
The Repatriates Cooperative and Finance
and Development Bank Ltd.
(Repco Home Finance Ltd.)
PRECO TOWER, No.33, North Usman Road,
T.Nagar, Chennai 600 017

having corporate office at
3rd Floor, Alexander Square,
New No.2 (Old No.34&35)
Sardar patel Road, Guindy,
Chennai 32

: Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the respondent in the proceedings of E.Auction Sale Notice in S.No.160/02 dated 17.02.2023 which is under Section 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and quash the same as illegal, incompetent, unconstitutional and without jurisdiction.



WP No.8221 of 2023

For the Petitioner : Mr.A.Ilayaperumal

For the Respondent : Mr.A.Ilangovan

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Ilayaperumal, learned counsel for the petitioner and Mr.A.Ilangovan, learned counsel for the respondent.

2. The Writ Petition is filed challenging the notice issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002') on the ground that the respondent is not a bank, notified under the Act of 2002.

3. Learned counsel for the respondent has placed notification dated 10.11.2003 treating the respondent as a financial institution, within the meaning of the Act of 2002. In view of the above, it cannot be said that the respondent could not have invoked the provisions of the Act of 2002.

4. Be that as it may, the petitioner has an alternate remedy



WP No.8221 of 2023

available before the Debts Recovery Tribunal.

WEB COPY

5. In light of that, we are not inclined to enter into the merits of the contentions.

6. The Writ petition is disposed of with liberty to the petitioner to avail the alternate remedy as may be permissible in law. In that event, all contentions are kept open. There will be no order as to costs. Consequently, WMP Nos.8446 and 8448 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

02.08.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To
The Authorised Officer,
The Repatriates Cooperative and Finance
and Development Bank Ltd.
(Repco Home Finance Ltd.)
3rd Floor, Alexander Square,
New No.2 (Old No.34&35)
Sardar patel Road, Guindy,
Chennai 32



WEB COPY



WP No.8221 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(tar)

WP No.8221 of 2023

02.08.2023