



WP No.8931 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM

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

AND

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

WP No.8931 of 2023

P.Fernandous

: Petitioner

versus

1.The Regional Director
Fort Glacis, 16 Rajaji Road
Fort St. George, Chennai-1.

2.IKF Home Finance limited
A Company registered under the Companies Act
having its registered office at 1st Floor
6-3- 902 /A Plot No.1 near
Yasoda Hospital Central Plaza,
Raj Bhavan Road, Samajiguda,
Huderabad, rep. By its Authorised Officer : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the Chief Judicial Magistrate, Dharmapuri in CMP No.8741 of 2022 dated 30.11.2022 quash the same, consequently direct the 2nd respondent to hand over the Petitioner's premises No.4/18 Veppilaipatti, Kethvreddypatti Buddireddipatti, Dharmapuri - 635 302.

For the Petitioner : Mr.S.N.Subramani

For Respondent No.2 : Mr.M.Jayaraj

Not ready in notice for the second respondent

Page 1 of 4



WP No.8931 of 2023

WEB COPY

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.N.Subramani, learned counsel for the petitioner and Mr.M.Jayaraj, learned counsel for the second respondent.

2. The writ petition was filed and entertained at the relevant time because the Debts Recovery Tribunal was not functioning. The petitioner is challenging the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (hereinafter referred to, 'the Act of 2002').

3. This Court, under order dated 23.03.2023, had directed de-sealing of the premises, recording that the petitioner had paid a sum of Rs.9,50,000/- (Rupees Nine Lakhs and Fifty Thousand only) after the impugned order under Section 14 of the Act of 2002 was passed by the Chief Judicial Magistrate. It is submitted that now the concerned Debts Recovery Tribunal is functioning.



WP No.8931 of 2023

WEB COPY

4. In light of that, the petitioner may file an application under Section 17 of the Act of 2002 within a period of 15 days from today. It is for the petitioner to plead the benefit of Section 14 of the Limitation Act.

5. The petitioner may seek necessary interim orders from the Debts Recovery Tribunal as may be permissible under law.

6. The writ petition is disposed of with the aforesaid liberty. There will be no order as to costs. Consequently, WMP Nos.9066, 9069 and 10277 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

08.09.2023

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



WEB COPY



WP No.8931 of 2023

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

(tar)

WP No.8931 of 2023

08.09.2023