



W.P.No.9630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9630 of 2023

M.Thavamani

.. Petitioner

Vs

1.M/s.Shriram City Union Finance Limited,
rep. by its Authorised Officer/
Assistant Vice President-Legal V.C.Seshadrinathan,
Having its registered office at
No.123, Angappa Naicken Street,
Chennai – 600 001.

2.A.P.Ravi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records pertaining to the pre-sale notice dated 21.01.2023 issued by the first respondent and quash the same.

For the Petitioner : Mr.K.S.Karthik Raja



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ORDER

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

M.Thavamani, son of Mariappa Nadar, has filed this writ petition seeking issuance of a writ of certiorari to call for the records pertaining to the pre-sale notice dated 21.01.2023 issued by the first respondent and quash the same.

2. A perusal of the records shows that the petitioner has already filed S.A.Diary No.918 of 2022 before the Debts Recovery Tribunal, Chennai, challenging the possession notice dated 15.9.2021 issued by the first respondent/secured creditor. However, the said application was returned by the Registry of the Tribunal pointing out certain defects. The petitioner instead of curing the defects and re-presenting the matter before the Registry of the Tribunal, has now filed this writ petition challenging the pre-sale notice, which is a consequential proceeding. If the petitioner is aggrieved by the proceedings initiated by the first respondent/secured creditor invoking the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, he has to work out his remedy before



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the Debts Recovery Tribunal and he cannot directly approach this court bypassing the efficacious statutory remedy available to him.

3. The writ petition is dismissed leaving it open to the petitioner to workout his remedy before the Debts Recovery Tribunal, Chennai, in the manner known to law. There will be no order as to costs. Consequently, W.M.P.No.9688 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
30.03.2023

Index : No
Neutral Citation : No
sasi

To:

The Authorised Officer/Assistant Vice President-Legal
Shriram City Union Finance Limited,
No.123, Angappa Naicken Street,
Chennai – 600 001.



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

(sasi)

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