



W.P.No.17694 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

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

AND

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

W.P.No.17694 of 2023

1.Nasar Basha
2.Hasina Begam
3.Abubakkar

.. Petitioners

Vs

The Authorised Officer,
M/s.Primal Capital & Housing Finance Ltd.,
rep. by its Authorised Signatory
(Formerly Known as Dewan Housing
Finance Corporation Limited)
Unit No.601, 6th Floor, Primal Amiti Building,
Primal Agastya Corporate Park,
Kamani Junction, Opp. Fire Station,
LBS Marg, Kurl West,
Mumbai-400 070.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records in the possession notice, issued by the respondent, dated 9.3.2023 with respect to Application No.01860169 and Loan No.03200005076 of Salem Branch and quash the same.



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For the Petitioners : Mr.B.Balavijayan

ORDER

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

Heard Mr.B.Balavijayan, learned counsel for the petitioners.

2. The petitioners are challenging the possession notice issued to them.

3. Learned counsel for the petitioners submits that the petitioners have already filed a Securitisation Application before the Debts Recovery Tribunal and the same is pending. During the pendency of the said proceedings, the impugned action is taken.

4. The petitioners have a remedy before the Debts Recovery Tribunal to challenge the possession notice impugned in the present writ petition. The petitioners may take appropriate steps in that regard. In that event, all contentions are kept open.



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5. With the aforesaid observation, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.16795 of 2023 is closed. As the petitioners have paid separate sets of court-fee, W.M.P.No.16791 of 2023 stands allowed.

(S.V.G., CJ.)

(P.D.A., J.)

16.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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