



W.P.No.24905 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM :

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

AND

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

W.P.No.24905 of 2023

R.Sasikumar

.. Petitioner

Vs.

1. HDFC Bank Ltd.

Rep. by Authorised Officer
Retail Portfolio Management
Second Floor, ITC Centre
760, Anna Salai
Chennai 600 002.

2. L.Vikraman

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the first respondent from dispossessing the petitioner from the leased Flat bearing land and building situated at No.4A2, in the ground floor, of the building named as HAPPY HOME FLATS, measuring an extent of 750 sq.ft. along with 1/6th undivided share land in 2400 sq.ft. (i.e. 400 sq.ft.) (bearing plot No.4, now called as 4A, Pari Street, Gandhi Nagar, Saligramam,



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Chennai 600 092, comprised in Survey Nos.44/2, 45 part, situated at Saligramam Village, Egmore Nungambakkam Taluk, Chennai District bounded on the North by: Pari Street, South by: Plot No.4BPart, East by: Part of Plot No.3 & West by: Part of No.5-A. The said property is situated within the Registration District of South Chennai and Sub-Registration District of Virugambakkam, in pursuant to the notice issued by the first respondent dated 25.02.2021 under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter called "the Act").

For the Petitioner : Mr.Perumbulavil Radhakrishnan
For Mr.V.Logeswaren

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.Perumbulavil Radhakrishnan, learned counsel for Mr.V.Logeswaren, learned counsel for the petitioner.

2. The petitioner is challenging the notice under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Learned counsel for the petitioner submits that the petitioner is a tenant.



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3. The notice under Section 13(4) of the Act can be challenged before the Debts Recovery Tribunal.

4. In the light of that, we are not inclined to entertain the writ petition.

5. The writ petition is disposed of with liberty to avail alternative remedy. In that event, all contentions are kept open. Consequently, W.M.P.No.24337 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

24.08.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To
The Authorised Officer
HDFC Bank Ltd.
Retail Portfolio Management
Second Floor, ITC Centre
760, Anna Salai, Chennai 600 002.



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

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