



W.P.No.31095 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

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

AND

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

W.P.No.31095 of 2022

V.Jayaprakash

.. Petitioner

Vs.

1. Housing Development Finance Corporation Ltd.
Rep. by its Authorized Officer
G.Senthil Kumar
HDFC House
No.29, Kamaraj Road
Coimbatore – 641 018.

2. U.Kannan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondent Bank to allow the petitioner to repay the due amount of Rs.5,29,715/- and consequently, close the loan account.

For the Petitioner : Mr.K.Selvaraj

For the Respondents : Mr.K.J.Parthasarathy
for R1



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.K.J.Parthasarathy, learned counsel for the first respondent.

2. The petitioner seeks a direction against the first respondent to allow the petitioner to pay Rs.5,29,715/- and subsequently close the loan account.

3. It is submitted that the petitioner has already challenged the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI) before the Debts Recovery Tribunal. A conditional order was passed, directing the petitioner to deposit a sum of Rs.7 lakhs, but the same was not deposited.

3. This Court, on 23.11.2022 has granted an order of *status quo*. The said order of *status quo* was continuing. However, the respondents contend that the petitioner was directed to deposit a sum of Rs.7 lakhs as per the interim orders by the Debts Recovery



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Tribunal, but the said fact was not brought to the notice of this Court, nor it was mentioned in the petition.

4. As the dispute between the parties is already pending before the Debts Recovery Tribunal, it is for the petitioner to take appropriate steps in the pending application. It will not be possible for this Court to decide the amount due and payable in a writ jurisdiction.

5. With the aforesaid observation, the writ petition stands disposed of. The Debts Recovery Tribunal may decide the application filed by the petitioner expeditiously. There will be no order as to costs. Consequently, W.M.P.No.30510 of 2022 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

28.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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

(drm)

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