



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)NO.656 OF 2023
and
W.M.P(MD)Nos.662 and 663 of 2023**

A.Ganesan

:Petitioner

.VS.

The Authorized Officer,
M/s.Housing Development Finance Corporation
Limited(HDFC),
Door No.406, Sakthi Sivam Street,
Pumping Station Road,
9th Cross Street,
K.K.Nagar(East),
Madurai – 625 020.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records and to quash the order dated 3.1.2023 made in Crl.M.P.No.33310 of 2022, on the file of the Chief Judicial Magistrate, Trichy as illegal.

For Petitioner

:Mr.C.Prithiviraj

For Respondent

:Mr.Pala Ramasamy
Standing Counsel



ORDER

WEB COPY (Order of the Court was made by D.KRISHNAKUMAR,J)

This Writ Petition is filed as against the order passed under Section 14 of the SARFAESI Act in CrI.M.P.No.33310 of 2022, dated 3.1.2023, on the file of the Chief Judicial Magistrate, Trichy.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the learned counsel for the Petitioner, in view of the urgency, the Petitioner has filed the above CrI.M.P before the Chief Judicial Magistrate, Trichy without exhausting the appeal remedy before the Debts Recovery Tribunal,Coimbatore, which has taken up the cases relating to Debts Recovery Tribunal, Madurai on every friday, in view of the fact that the Presiding Officer of Debts Recovery Tribunal, Maduraiis vacant.

4.Considering the urgency expressed by the learned counsel for the Petitioner, this Court has entertained the Writ petition at that point of time and passed a conditional order on 11.01.2022 directing the Petitioner to deposit 25% of the total outstanding



which comes around Rs.8,50,000/- on or before 15.02.2023 for which, the learned counsel for the respondent/Bank has agreed.

5.According to the learned counsel for the Petitioner, the above said conditional order has been complied with, within the time stipulated by this Court. The learned counsel would further submit that the Petitioner has already filed S.A.No.377 of 2022 as against the possession notice and also filed a stay application in I.A.NO.1568 of 2022 and the same is pending.

6.The learned counsel appearing for the respondent has not refuted the said statement made by the learned counsel for the Petitioner.

7.In view of the above facts and circumstances, this Court directs the Debts Recovery Tribunal, Coimbatore to dispose of the stay application filed by the Petitioner in I.A.No.1568 of 2022 in S.A.No.377 of 2022 as early as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the interim order granted by this Court shall be in force.



8. With the above directions, the Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [L.V.G.,J.]
15.02.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

vsn

To

The Authorized Officer,
M/s.Housing Development Finance Corporation
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WEB COPY



D.KRISHNAKUMAR, J.

AND

L.VICTORIA GOWRI, J.

vsn

ORDER MADE IN

W.P(MD)NO.656 OF 2023

and

W.M.P(MD)Nos.662 and
663 of 2023

15.02.2023