



W.P.(MD) No.1145 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1145 of 2023

and

W.M.P.(MD)Nos.1066 and 1068 of 2023

Karthick

... Petitioner

-Vs-

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

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned possession notice dated 07.11.2022 (Schedule to take possession on 24.08.2022) issued by the respondent Bank and quash the same as illegal.

For Petitioner : Mr.P.M.Vishnuvarthanan

Page 1 of 4



W.P.(MD) No.1145 of 2023

WEB COPY

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The possession notice dated 07.11.2022 issued by the respondent Bank is under challenge in this Writ Petition.

2.Earlier, challenging the possession notice dated 19.08.2022 issued by the respondent Bank, the petitioner filed W.P.(MD)No.19631 of 2022, wherein this Court, by an order dated 25.08.2022, passed a conditional order. The relevant portion of the same is extracted hereunder:-

“5.Considering the fact that the petitioner is willing to pay Rs. 18.75 lakhs in four monthly instalments, this Court is inclined to dispose of the Writ Petition in the following lines:-

(i) The respondent bank is directed not to take any coercive action against the petitioner in pursuant to the impugned possession notice dated, 19.08.2022, provided the petitioner pays a sum of Rs.4,75,000/- on or before 26.09.2022, a sum of RS.4,75,000/- on or before 26.10.2022, a sum of Rs.4,75,000/- on or before 24.11.2022 and a further sum of RS. 4,75,000/- on or before 23.12.2022.

(ii) In case the petitioner commits any default in paying any one of the instalments, it is open to the respondent Bank to proceed further in accordance with law ignoring this order.”

Page 2 of 4



W.P.(MD) No.1145 of 2023

WEB COPY

3. Admittedly, the petitioner has paid the 1st instalment, however, failed to pay the remaining instalments. Therefore, in view of the liberty granted by this Court, the respondent Bank has issued a fresh possession notice dated 07.11.2022, which is now under challenge in this Writ Petition.

4. At the outset, we are not inclined to entertain this Writ Petition for the simple reason that the petitioner has not complied with the conditional order passed in the aforesaid Writ Petition and though he has filed a petition, seeking extension of time, no steps have been taken. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner to approach the Debts Recovery Tribunal for appropriate remedy. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
23.01.2023

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

Page 3 of 4



WEB COPY



W.P.(MD) No.1145 of 2023

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

MYR

W.P.(MD)No.1145 of 2023

23.01.2023

Page 4 of 4