

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.2810 of 2023
and
W.M.P(MD)No.2608 of 2023

D.Kalyanakumar

... Petitioner

vs.

1.The Manager,
Housing Development Finance Corporation Ltd.,
No.406, Sakthi Sivam Plaza,
K.K.Nagar (East),
Pumping Station Road,
K.K.Nagar (East),
Madurai – 625 020.

2.The Manager/the Authorized Officer,
HDFC Life Insurance Company,
6 & 7, 2nd floor, Near Hotel Sangam,
Trichy – 620 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent herein prohibiting to proceed under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, till the District Consumer Disputes Redressal Commission decides the petitioner's complaint, filed under Consumer Complaint No.58/2022.

For Petitioner : Mr.Ezhilarasu for
Mr/K.Swamyraj
For R-1 : Mr.N.S.Karthikeyan,
Standing Counsel
For R-2 : No Appearance

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Challenge by the petitioner to the possession notice is admittedly pending before the Debts Recovery Tribunal. While so, the petitioner has approached this Court with a prayer for issuance of a Writ of Mandamus, forbearing the bank from proceeding under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, till the District Consumer Redressal Forum decides the claim relating to insurance.

2. We do not think that we can grant such a Mandamus. It is open to the petitioner to move the Debts Recovery Tribunal for stay of further proceedings on the ground that the complaint is pending before the District Consumer Redressal Forum.

3. In view of the above, the Writ Petition is dismissed with liberty to the petitioner to approach the Debts Recovery Tribunal seeking stay of

further proceedings pending disposal of the complaint before the District Consumer Redressal Forum. No Costs. Consequently, connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
29.03.2023

Index : Yes / No
Neutral Citation : Yes / No
pm

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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

ORDER MADE IN
W.P(MD)No.2810 of 2023

DATED : 29.03.2023