



W.P.(MD)No.5987 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.5987 of 2023

and

W.M.P(MD)No.5605 of 2023

R.Radhalakshmi

: Petitioner

Vs.

The Authorized Officer,
M/s LIC Housing Finance Private Limited,
78/4, S.S.T.Towers, 4th Floor,
Bye Pass Road, Madurai – 625 016.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the demand notice dated 23.02.2023 passed by the respondent and quash the same as illegal, arbitrary and gross violation of principles of natural justice and consequently for bearing the respondent, his agents, henchmen from in any way taking physical possession of the secured assets comprised in S.No. 83/1B, 83/2B, 83/5A, Flot No.73, Vallichandra Town Ship, Paiyur, Utkadai Pillaivasal village, Sivagangai District.



W.P.(MD)No.5987 of 2023

WEB COPY

For Petitioner : Mr.W.Pamelin

ORDER

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

Challenge is the notice issued by the respondent under Section 13(2) of the SARFAESI Act. It is only a show cause notice and the same cannot be subject matter of the SARFAESI Act.

2.The learned counsel for the petitioner would submit that the petitioner is ready for One Time Settlement and there should be a direction to the finance company to consider the proposal of the petitioner for one time settlement.

3.We do not think that we could issue such direction. Consideration of One Time settlement is the discretion of the finance company and this Court has no role in such matters.



W.P.(MD)No.5987 of 2023

WEB COPY 4.Hence, this writ petition fails and the same is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] & [L.V.G., J.]
20.03.2023

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



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R.SUBRAMANIAN., J

AND

L.VICTORIA GOWRI.,J

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