



W.P.(MD) Nos.13056 and 13057 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

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

W.P.(MD) No.13056 and 13057 of 2023

and

W.M.P.(MD) Nos.11050, 11051, 11054 & 11055 of 2023

1.Minor S.Sathyadev
2.Minor S.Deveshvar
3.Minor S.Devalakshana
Rep. by their
Mother/Natural Guardian
S.Yohiyadevi

... Petitioners
in both Writ Petitions

-VS-

1. The Authorized Officer,
Shriram Finance Limited,
Legal Department, No. 5, Ramachanrapuram,
Tennur, Trichy District.

2. The Branch Manager,
M/s. Shriram City Union Finance Ltd,
Thirunagar, Madurai.

... Respondents
in both Writ Petitions



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PRAYER in W.P.(MD) No.13056 of 2023: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned possession notice dated 17.04.2023 issued by the 1st respondent affixed on 17.04.2023 issued under section 13(4) of SARFAESI Act, 2002, and quash the same.

PRAYER in W.P.(MD) No.13057 of 2023: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned possession notice dated 12.01.2023 issued by the 1st respondent affixed on 12.01.2023 issued under section 13(4) of SARFAESI Act, 2002, and quash the same.

For Petitioners : Mr.A.Gopal (in both writ petitions)

For Respondents : Mr.D.Senthil Kumar for R1
(in both writ petitions)

COMMON ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

With the consent of both sides, these writ petitiond are taken up for final hearing at the admission stage itself.



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2. The possession notices are challenged by the third parties, who claim to have an interest in the secured assets. It is seen from the typed set of papers that the petitioners have already filed a civil suit seeking partition. It is for them to work out their rights in the said civil suit. It is open to them to seek an order of injunction and it is for the civil court to consider the same. We do not think that we can interfere with the action taken under the SARFAESI Act at the instance of the third parties.

3. Hence, these writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
PKN



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L.VICTORIA GOWRI, J.

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