



W.P(MD)No.11601 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.11601 of 2023

and

W.M.P.(MD).No.10079 of 2023

G.Dinesh Kumar

... Petitioner

Vs.

Housing Development Finance Corporation Ltd.,
(HDFC Ltd) Rep. by its Authorised Officer,
No.406, Sakthi Sivam Plaza,
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 Mandamus to forbear the respondent from interfering with the possession of the property comprised in Flat No.B/F2, 15 Floor, Rohini Gateway "B" Block, 95/2R, 3B, 4,5,6B, K.Abishkapuram Village, Trichy on the basis of the order dated 19.12.2022 in CrMP.No.27683/2022 on the file of the Chief Judicial Magistrate, Tiruchirapalli passed under Section 14 of the SARFAESI and on the basis of the notice dated 29.04.2023 issued by the learned Advocate Commissioner.



W.P(MD)No.11601 of 2023

For Petitioner :Ms.P.Vimala Devi

For Respondent :Mr.N.S.Karthikeyan

ORDER

Heard the learned counsel appearing on either side.

2. It is not in dispute that the petitioner had already filed W.P. (MD).No.56 of 2023 and it is still pending. During the pendency of the writ petition, on the same cause of action, there cannot be institution of one more writ petition. This writ petition is not maintainable. The petitioner has to necessarily pursue his remedy in the earlier writ petition.

3. Leaving it open to the petitioner to work out his remedy in the earlier writ petition namely W.P.(MD).No.56 of 2023, the present writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S.,J.] [S.S.Y.,J.]

10.05.2023

Index :Yes/No

Internet :Yes/No

NCC :Yes/No

Vsm/Sbn



W.P(MD)No.11601 of 2023

WEB COPY

To

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



WEB COPY



W.P(MD)No.11601 of 2023

G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

Vsm/Sbn

W.P(MD)No.11601 of 2023
and
W.M.P.(MD).No.10079 of 2023

10.05.2023