



W.P(MD)No.13745 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.13745 of 2022
and
W.M.P(MD)No.9757 of 2022**

M.Ayyanar

... Petitioner

VS.

1.The Reserve Bank of India,
South Zone, Fort Glacis,
No.16, Rajaji Road,
Fort St. George,
Chennai – 600 001.

2.The Authorized Officer,
IDFC First Bank Limited,
(Erstwhile Capital First Limited,
Amalgamated with IDFC Bank Limited),
No.79/2, Bye Pass Road,
Raja Barley Complex 1st Floor,
Madurai – 625 010.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned possession notice dated 17.02.2022 issued by the second respondent Bank under SARFAESI Act r/w proviso to Rule 8(1) of the Security Interest (Enforcement) Rules, 2002 and quash the same.

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For Petitioner : Mr.P.Venkatesan
For Respondents : Mr.A.Siva Subramanian
Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned possession notice dated 17.02.2022 issued by the second respondent Bank under the provision of the SARFAESI Act r/w proviso to Rule 8(1) of the Security Interest (Enforcement) Rules, 2002.

2.According to the petitioner, he has paid a sum of Rs.2,50,000/- in compliance with the conditional interim order passed by this Court, dated 30.06.2022. Further, according to the petitioner, he has filed an application in S.A.No.217 of 2022 and the same is pending.

3.It is an admitted fact that the petitioner has complied with the conditional interim order passed by this Court by paying 25% of the outstanding amount. For further course of action, it is open to the petitioner



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to seek an appropriate remedy before the Debts Recovery Tribunal, Madurai in the pending S.A.No.217 of 2022.

4.With the above liberty, this Writ Petition is disposed of. It is needless to say that the Debts Recovery Tribunal, Madurai is directed to dispose of S.A.No.217 of 2022 on merits and in accordance with law, as early as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
06.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.13745 of 2022

DATED : 06.02.2023