



W.P.(MD) No.14106 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM:

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

**W.P.(MD) No.14106 of 2023
and
W.M.P.(MD) Nos.11958, 11961 & 11963 of 2023**

1.Stephen

2.C.Rajeswari

... Petitioners

-VS-

M/s.Housing Development Finance Corporation Ltd.,
Marthandam Branch,
Rep. by its Authorized Officer,
Thiru Prashanth.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the learned Chief Judicial Magistrate, Kanniyakumari District at Nagercoil in Cr.M.P.No.235 of 2023 dated 03.02.2023 and quash the same.

For Petitioners : Mr.G.Aravinthan

For Respondent : Mr.N.S.Karthikeyan



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ORDER

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

Mr.N.S.Karthikeyan, learned Standing Counsel, takes notice for the respondent – Bank.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. Challenge in this writ petition is to the order dated 03.02.2023, passed by the learned Chief Judicial Magistrate, Nagercoil, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act”).

4. Even in the affidavit filed in support of the writ petition, the petitioner has conceded the possession of the property has been taken by the Housing Development Finance Corporation Limited.



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5. In view of the said statement, we do not think that we can entertain this writ petition. Hence, the writ petition stands dismissed leaving it open to the petitioner to challenge any further proceedings initiated under the SARFAESI Act. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
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