



W.P.(MD).No.18320 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD).No.18320 of 2022
and
W.M.P.(MD).No.13345 of 2022

P.Sheela

.. Petitioner

Vs.

1.The Authorized Officer,
Housing Development Finance Corporation Ltd,
Door No.406, Sakthi Sivam Plaza,
9th Cross Street, KK Nagar (East),
Madurai.

2.The Branch Manager,
Housing Development Finance Corporation Ltd,
Door No.406, Sakthi Sivam Plaza,
Pumping Station Road, 9th Cross Street,
KK Nagar (East), Madurai.

3.The Branch Manager,
HDFC Life Insurance Company Ltd,
D.No. 96, 3rd Floor, Alagarkovil Road,
Opposite to American College,
Tallakulam, Madurai.

.. Respondents



W.P.(MD).No.18320 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to possession notice issued by the first respondent dated 07.07.2022 and quash the same and consequently direct the first and second respondents not to proceed with the sale and physical possession of the property.

For Petitioner	: Mr.A.Joseph Jerry
For R-1	: Mr.N.S.Karthikeyan Standing Counsel
For R-3	: Mr.C.Muthu Saravanan

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The possession notice dated 07.07.2022 issued by the first respondent is sought to be quashed in the present Writ proceedings.

2. The learned counsel for the petitioner made a submission that the petitioner is ready to settle the issues by co-ordinating with the third respondent HDFC Life Insurance Company Limited.



W.P.(MD).No.18320 of 2022

3. It is for the petitioner to negotiate with the respondents and settle the issues. However, the challenge made in the present Writ Petition is the possession notice issued by the Bank under the SARFAESI Act. Thus, the Writ Petition is not entertainable and the petitioner has to approach the Debt Recovery Tribunal. Granting 15 days' time to the petitioner to approach the Debt Recovery Tribunal, the present Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (L.V.G.,J.)
18.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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W.P.(MD).No.18320 of 2022

S.M.SUBRAMANIAM,J.
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Lm

W.P.(MD).No.18320 of 2022

18.12.2023