



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**11.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.19611 OF 2023
and
W.M.P(MD)No.16194 of 2023**

S.Dharmaraj

:Petitioner

.VS.

M/s.Housing Development Finance Corporation Limited,
The Authorized Officer,
Door No.406,Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross, K.K.Nagar(East),
Madurai – 625 020,
Madurai District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus restraining the respondent from taking physical possession of the Petitioner's property as per order in Cr.M.P.No.35527 of 2022, dated 7.6.2023 passed by the Chief Judicial Magistrate, Trichy till the Debts Recovery Tribunal, Madurai dispose of the Petitioner's application filed in Dairy No.1118/2023.

For Petitioner

:Mr.R.Vijayaraghavan

For Respondent

:Mr.N.S.Karthikeyan



ORDER

WEB COPY (Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus restraining the respondent from taking physical possession of the Petitioner's property as per order in Cr.M.P.No. 35527 of 2022, dated 7.6.2023 passed by the Chief Judicial Magistrate, Trichy till the Debts Recovery Tribunal, Madurai dispose of the Petitioner's application filed in Dairy No.1118/2023.

2.Mr.N.S.Karthikeyan, learned counsel takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the Petitioner admitted that he challenged the impugned order in SARFAESI Application before the Debts Recovery Tribunal and that the said application is yet to be numbered, for want of technical facility. The learned counsel also states that the application filed is not likely to be taken up for hearing, since the Presiding Officer is on leave.

4.Therefore, this Court dispose of this Writ Petition, with



liberty to the Petitioner to pursue his SARFAESI Application before the Debts Recovery Tribunal, in the manner known to law. However, the impugned order shall be kept in abeyance for a period of one week from today. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C,J.]
11.08.2023

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

vsn



WEB COPY



S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)NO.19611 OF 2023

and

W.M.P(MD)No.16194 of 2023

11.08.2023