



W.P.(MD)No.20361 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.20361 of 2023

S.Balakumar

... Petitioner

Vs.

The Authorized Officer,
Manappuram Home Finance Limited,
Thiruvanaikovil Branch,
Trichy District.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the entire records connected with the order in Cr.M.P.No.5859 of 2023 dated 08.06.2023 passed by the Chief Judicial Magistrate, Tiruchirapalli and quash the same.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.M.Senthilkumar

Standing Counsel



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ORDER

WEB COPY (Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.M.Senthilkumar, learned Standing Counsel, who takes notice for the respondent.

2. Point that has been raised by the writ petitioner is that the respondent is not notified under Section 2(1)(m)(iv) read with Section 31- A of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Therefore, he would plead that the non-banking banking establishment is not entitled to invoke SARFAESI Act.

3. Learned counsel for the respondent points out that notification has been issued on 5th August, 2016 notifying Manappuram Home Finance Ltd., i.e., the respondent herein as a “financial institution” within the meaning of the SARFAESI Act.



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4. That point failing, the Writ Petition necessarily has to be dismissed.

We notice that against an order passed under Section 14 of the SARFAESI Act an appeal lies to the Debts Recovery Tribunal under Section 17. Granting liberty to the petitioner to move the jurisdictional Debts Recovery Tribunal, within a period of fifteen days, this Writ Petition is dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)

06.10.2023

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



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