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W.P.(MD) No.20934 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.20934 of 2023

and

W.M.P.(MD) No.17338 of 2023

S.Muthuramalingam

... Petitioner

-VS-

1.The Authorized Officer
Sriram Finance Limited
Sri Tower, Plot No.14A, South Phase
Industrial Estate
Guindy, Chennai-600 032

2.The Branch Manager
Sriram City Union Finance Limited
No.2, Sivanantha Road
2nd Floor, Arapalayam Cross Road
Arapalayam, Madurai-625 016

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned possession notice issued by the first respondent vide his proceedings S.F.No. 179/2023, dated 29.07.2023 and quash the same as illegal.

For Petitioner : Mr.N.Anandha Kumar
for Mr.S.Maruthu Pandian



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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

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We have heard the learned counsel for the petitioner.

2. The petitioner is challenging the possession notice subsequent to the notice issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The said notice is under Section 13(4) of the said Act. That would only amount to taking symbolic possession. The petitioner has a remedy available before the Debts Recovery Tribunal.

3. In view of the alternative remedy available to the petitioner, we are not inclined to entertain the writ petition. The writ petition is disposed of with liberty to the petitioner to avail the alternative remedy. In that event, all the contentions are kept open. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., .C.J.]

[C.K., J.]

29.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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and
C.KUMARAPPAN, J.

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