



WEB COPY

W.P.(MD)No.2507



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

W.P.(MD)No.25071 of 2022

and

W.M.P.(MD)Nos.22330, 19164 and 19165 of 2022

Mohamed Sarjoon

... Petitioner

Vs.

The Authorised Officer,
Varthana Finance Private Limited,
Varasiddhi, 3rd Floor, 5 BC-110,
Service Road, 3rd Block,
HRBR Layout,
Bengaluru-560 043.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the impugned pre-dated possession notice issued by the respondent dated 20.05.2022 and consequential auction notice dated 23.08.2022 quash the same as illegal.

For Petitioner : Mr.A.S.Abul Kalam Azad

For Respondent : Mr.A.Sivasubramanian



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ORDER

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

The lis on hand has been instituted questioning validity of the possession notice issued under the SARFAESI Act.

2.Against the said possession notice, no writ is entertainable under Article 226 of the Constitution of India. Since there was no Presiding officer in the Debt Recovery Tribunal, Madurai during the relevant point of time, this Court entertained the writ proceedings. However, the Presiding Officer has already assumed charge of Debt Recovery Tribunal at Madurai and therefore, the petitioner has to approach the Debt Recovery Tribunal.

3.In view of the above facts and circumstances, the petitioner is at liberty to approach the Debt Recovery Tribunal, Madurai within a period of thirty days from today (i.e.,03.11.2023). With this liberty, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

(S.M.S., J.) & (R.K.M., J.)
03.11.2023

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



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