



WEB COPY



W.P.(MD)No.24094 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.24094 of 2023

and

W.M.P.(MD)Nos.20264, 20266 and 20267 of 2023

P.Karuppasamy

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
Chief Judicial Magistrate Court,
District Court Campus, Madurai.

2.M/s.Edelweiss Housing Finance Ltd (EHFL),
Rep. by Authorized Officer,
S.Santhanu,
Regional Office at Edelweiss Housing Finance Ltd.,
Wing A, 7th Floor, Citi Tower,
No.117, Sir Theagaraya Road,
Drivers Colony, T.Nagar, Chennai-400 098.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in CrI.M.P.No.204 of 2023, dated 16.03.2023 passed by the 1st respondent and quash the same and consequently, direct the 2nd respondent to collect the housing loan monthly installments by regularizing the petitioner's account.



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For Petitioner : Mr.S.M.Anantha Murugan

ORDER

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

This Writ Petition challenges the order passed by the 1st respondent in CrI.M.P.No.204 of 2023, dated 16.03.2023. The said order was passed under Section 14 of SARFAESI Act. It has been consistently held by the Supreme Court that such an order is appealable under Section 17 of SARFAESI Act. This Writ Petition was originally filed on the ground that the Debts Recovery Tribunal is not functioning, since there was no Judicial Officer. We are now informed that the Judicial Officer has been appointed and the Court is functioning normally. Consequently, granting 15 days time to the petitioner to file an appeal before the Debts Recovery Tribunal concerned, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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

04.10.2023

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

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V.LAKSHMINARAYANAN, J.

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