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W.P.(MD) No.26164 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) No.26164 of 2022

and

W.M.P.(MD) No.20332 of 2022

C.Prema

... Petitioner

-VS-

Manappuram Home Finance Limited
rep.by R.Rajasekaran
Branch Manager & Authorised Officer
1st Floor, 562/4, M.S.Road
Vettoornimadam Junction
Opp.Rajas Mandapam
Vettoornimadam
Nagercoil-629003
Kanyakumari District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order passed by the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari, in Cr.M.P.No.9091 of 2022, dated 12.09.2022 and to quash the same.



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For Petitioner : Mr.G.Aravinthan

For Respondent : Mr.M.Senthil Kumar

ORDER

[Order of the Court was made by V.LAKSHMINARAYANAN, J.]

The petitioner challenges the order, dated 12.09.2022, passed in Cr.M.P.No.9091 of 2022, by the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari, whereby the respondent – Financial Institution was permitted to take possession of the secured asset.

2. On 18.11.2022, when the matter came up for admission, this Court has passed the following order:

“4. Accordingly, there shall be an order of interim stay of all further proceedings pursuant to the impugned order, on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the respondent bank on or before 19.12.2022, failing which this interim stay shall stand vacated without further reference to this Court.”



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3. Learned counsel for the petitioner states that the above interim order of this Court has been complied with.

4. An order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, “the SARFAESI Act”) is assailable by an appeal under Section 17 of the SARFAESI Act before the jurisdictional Debts Recovery Tribunal. Therefore, we grant liberty to the petitioner to file an appeal before the Debts Recovery Tribunal, within a period of two weeks from today.

5. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

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

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To:
The Chief Judicial Magistrate,
Nagercoil, Kanyakumari.



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S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

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