



W.P.(MD)No.25604 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.25604 of 2023
and W.M.P.(MD) No.21791 of 2023

A.Josef Davis

... Petitioner

Vs.

1.The Authorized Officer,
HDFC Bank Ltd.,
Sri Nithyakalyanai Towers,
No.34, Krishnarayar Tank Street,
North Veli Street,
Madurai – 625 001.

2.The Branch Manager,
HDFC Bank Ltd.,
Tower Junction,
Nagercoil,
Kanniyakumari District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned possession notice issued by the 1st respondent dated 05.10.2023 and quash the same and consequently, direct the respondents to consider the One Time



W.P.(MD)No.25604 of 2023

Settlement proposal of the petitioner within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Jegadeeswaran

ORDER

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

The possession notice issued by the respondent bank is sought to be quashed in the present Writ Petition.

2. The petitioner states that he has submitted an application for One Time Settlement within the time stipulated and the said application is yet to be considered and therefore, the petitioner is constrained to move the present Writ Petition.

3. Contractual obligations between the parties cannot be subjected to judicial review under Article 226 of the Constitution of India. The dispute in respect of contractual obligations between the parties are to be resolved in the manner contemplated either under the contract or under statutes and rules in force. The petitioner has submitted an application for One Time Settlement and it is for



W.P.(MD)No.25604 of 2023

the bank concerned to look into the application and take a decision in accordance with law. This being the procedures to be followed, the present Writ Petition is not entertainable. Insofar as the proceedings initiated under the SARFAESI Act is concerned, the relief cannot be considered and the petitioner has to workout his remedy under the provisions of the Act and in the manner contemplated.

4. With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
20.10.2023

NCC : Yes / No
Index : Yes / No

SJ



WEB COPY



W.P.(MD)No.25604 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

W.P.(MD)No.25604 of 2023

20.10.2023