



W.P.(MD)No. 29356 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.29356 of 2023

M/s.PNB Housing Finance Ltd.,
Having Branch Office at
3rd Floor, Sudershan Building,
No.14, Whites Road, Roayapettah,
Chennai-600 014
Represented by its Authorized Officer

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
Trichy District.

2.T.Sivaraman

3.M/s.Sri Sairam Catering Services,
No.19/12, 1st Floor, 1st Main Road Sastri Nagar,
Adyar, Chennai-600 020.

4.Thangavel Sambasivam,

5.Mani Mozhi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a
Writ of Mandamus, directing the 1st respondent / learned Chief Judicial



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Magistrate, Madurai to forthwith number the application filed by the petitioner in F.No.CrI.M.P./6310/2023 in CNR No.TNTP030063512023, dated 09.02.2023 under Section 14 of SARFAESI Act accepting the paper publication of 13(2) notice and pass final orders within a time frame as may be fixed by this Court in a time bound manner of the said petition.

For Petitioner : Mr.R.Murali,
for Mr.T.N.Karthikeyan

ORDER

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

The grounds, on which the learned Chief Judicial Magistrate, Madurai, has refused to number the application filed under Section 14(1) & (2) of SARFAESI Act, are as follows:-

“1.Respt Age Particulars to be stated in long cause and short cause title.

2.Proper Jurisdiction of Police Station to be stated in pleadings.

3.Schedule Property Taluk to be stated.

4.How this Petition maintainable without complying U/s. 13(4) of SARFAESI Act Explain.

Hence retd, Time One Month”



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2.It has been settled by the Judgment of the Supreme Court in the case of ***Standard Chartered Bank and others Vs. V.Noble Kumar & Others*** reported in ***2013 9 SCC 620*** that the proceedings under Section 14 of SARFAESI Act is not conditioned by Section 13 of SARFAESI Act. Therefore, the demand made by the Registry of the Court of the learned Chief Judicial Magistrate that without complying Section 13(4) of SARFAESI Act, the application will not be numbered, is erroneous. Consequentially, the learned Chief Judicial Magistrate, Madurai is bound to number the application filed by the writ petitioner, take it for final hearing and pass orders as early as possible in accordance with law. Accordingly, this Writ Petition stands allowed. No costs.

(S.M.S., J.) & (V.L.N., J.)
19.12.2023
(2/2)

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

Yuva

To

The Chief Judicial Magistrate,
Madurai District.



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

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