



WP.No.11857/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.11857/2024 & WMP.Nos.12952 & 12953/2024

1.M/s.VRC Infrastructure  
rep.by its Proprietor  
Mr.R.Chandrasekaran

2.Mr.R.Chandrasekaran  
3.Mrs.C.Padmavathi  
4.Mr.C.Balaji

... Petitioners

Vs.

1.The District Magistrate cum District Collector  
District Collector Office, Thiruvallur.

2.The Tahsildar  
Thiruvallur.

3.Authorised Officer  
HDB Financial Services Ltd  
4<sup>th</sup> Floor, Loyal Towers  
68/2, Greams Road, Chennai 600 006.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for



WP.No.11857/2024

issuance of Writ of certiorari calling for the records in RC.No.19962/2018/M2 dated 20.06.2023 passed by the 1<sup>st</sup> respondent and to quash the same.

For Petitioners : Mr.Y.T.Aravind Gosh  
For RR 1 & 2 : Mr.G.Nanmaran, Spl.GP  
For R3 : M/s.D.Denipa for Mr.M.Ajmal

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) This writ petition is filed by the petitioner challenging the order passed by the 1<sup>st</sup> respondent dated 20.06.2023 in RC.No. 19962/2018/M2 with a prayer to quash the same.
- (2) In the application filed by the 3<sup>rd</sup> respondent/Bank under Section 14 of the SARFAESI Act, the 1<sup>st</sup> respondent has passed the impugned order directing physical possession of the petitioner's properties by the Tahsildar of Tiruvallur District under the cover of a proper Mahazar.



WP.No.11857/2024

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- (3) The learned counsel for the 3<sup>rd</sup> respondent/Bank submitted that one of the properties of the petitioner had been sold pursuant to a Sale Notice and the petitioner though had challenged the Sale Notice before the Debts Recovery Tribunal, has not filed further appeal as against the order dismissing the SARFAESI application by the Debts Recovery Tribunal.
- (4) This Court is unable to entertain this writ petition as the petitioner has not even impleaded the auction purchaser who is the interested person in this *lis*. Though this petition was filed challenging the order under Section 14 of SARFAESI Act, the petitioner states that he has no personal knowledge about the sale and other proceedings.
- (5) Having challenged the sale before Debts Recovery Tribunal, the submission of the learned counsel for the petitioner that he is not aware of the sale, cannot be countenanced.
- (6) For want of *bona fides*, this writ petition stands **dismissed**. However, it is open to the petitioner to challenge the sale before the Debts Recovery Appellate Tribunal and the order impugned in this writ petition before the Debts Recovery Tribunal by way of a SARFAESI application after duly impleading the auction purchaser. No costs. Consequently, connected



WP.No.11857/2024

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miscellaneous petitions are closed.

[S.S.S.R., J.] [N.S., J.]  
18.06.2024

AP

Internet : Yes

To

1.The District Magistrate cum District Collector  
District Collector Office, Thiruvallur.

2.The Tahsildar  
Thiruvallur.

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HDB Financial Services Ltd  
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WP.No.11857/2024

S.S. SUNDAR, J.,  
and  
N.SENTHILKUMAR, J.,

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WP.No.11857/2024

18.06.2024