



W.P.(MD) No.860 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.860 of 2024

and

W.M.P(MD)No.878 of 2024

O.Senthilkumaran

... Petitioner

Vs.

The Authorized Officer,
Shriram Finance Ltd.,
(Formerly Known as Shriram City Union Finance Ltd.),
Legal Department,
No.5, Ramachandrapuram,
Thennur,
Trichy – 620017

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records connected with the impugned possession notice dated 27.12.2023 issued by the respondent and quash the same.

For Petitioner :Mr.S.Malaikani



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ORDER

WEB COPY [Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner has filed this writ petition challenging the impugned possession notice, dated 27.12.2023, issued by the respondent under Section 13(4) of the SARFAESI Act, 2002.

2. The petitioner has challenged the impugned possession notice issued by the respondent-bank on the ground that even though the petitioner has approached the respondent-bank at Bathalakundu/Dindigul branch and requested them to allow him to settle the amount under ‘One Time Settlement’, the respondent – bank without considering the said request, has issued the impugned notice.

3. We are of the view that the petitioner is having alternative remedy before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act, 2002 and therefore, he has to approach the Debts Recovery Tribunal to avail the remedy. In the meantime, if the petitioner makes any representation within a period of one week from the date of receipt of a copy of this order, with regard to ‘One Time Settlement’, the respondent – bank shall consider the same and pass appropriate orders and communicate the decision taken to the petitioner.



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4. With the above observations, this writ petition is dismissed. No Costs.

Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
21.02.2024

Neutral Citation: Yes / No
Index : Yes / No

PM

D.KRISHNAKUMAR, J.



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