



WEB COPY

W.P.(MD)No.23559 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.23559 of 2024
and
W.M.P.(MD)Nos.19944, 19946 to 19948 of 2024**

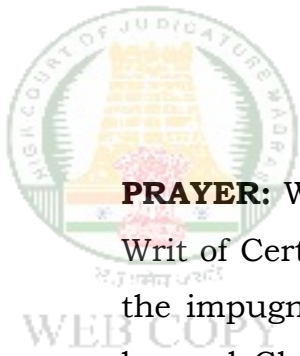
Ambika

... Petitioner

-VS-

- 1.The Authorized Officer,
Home First Finance Company
India Limited,
No.60, Sunrise Tower, 2nd floor,
Kamarajar Salai,
Madurai-625 009.
- 2.The Branch Manager,
Home First Finance Company
India Limited,
Madurai Branch,
No.60, Sunrise Tower, 2nd floor,
Kamarajar Salai,
Madurai-625 009.
- 3.Bharti AXA life Insurance Company
Ltd., Spectrum Tower, 3rd Floor,
Malad Link Road, Malad (West),
Mumbai- 400 064, Maharashtra.
(Having Branch at)
Bharti AXA life Insurance Company
Ltd.,
IRDAI Regd No.130, Unit No.1904,
19th floor, Parinee Crescenzo,
G Block, Bandra Kurla Complex,
BKC Road, Maharashtra.

...Respondents



PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed in CrI.Mp.No.349 of 2023 dated 25.05.2023 by the learned Chief Judicial Magistrate, Madurai, under Section 14 of SARFAESI Act and other initiation of proceedings under the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 and quash the same and consequently direct the 2nd respondent herein to cancel the memorandum of title deposit dated 31.12.2020.

For Petitioner : Mr.Niranjan S.Kumar

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

“To issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed in CrI.Mp.No. 349 of 2023 dated 25.05.2023 by the learned Chief Judicial Magistrate, Madurai, under Section 14 of SARFAESI Act and other initiation of proceedings under the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 and quash the same and consequently direct the 2nd respondent herein to cancel the memorandum of title deposit dated 31.12.2020.”

2. Admittedly, the petitioner has moved the Debt Recovery Tribunal against the action of the bank invoking Section 14 of the SARFAESI Act, 2002. It is also seen that the main SA has been posted for enquiry on 03.12.2024. Hence, we do not see any reason to exercise our extraordinary jurisdiction in the Article 226 of



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the Constitution of India. The writ petition is therefore dismissed.

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3. The petitioner is at liberty to move the Debt Recovery Tribunal for an early hearing of the SA, if such application is made, we request the Debt Recovery Tribunal to consider the same sympathetically, considering the fact that the borrower is no more and the family is virtually on the streets. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

03.10.2024

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



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and
L.VICTORIA GOWRI, J.

Sml

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