



W.P.(MD) No.28360 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.28360 of 2022
and
W.M.P.(MD) No.22407 of 2022**

S.Dharmar

... Petitioner

-VS-

1.The Authorized Officer

M/s.Aspire Home Finance Corporation Limited
(At present : Motilal Oswal Home Finance Limited)
Regd Office: Motilal Oswal Tower
Rahimtulalh Sayani Road
Opp.Parel ST Depot, Prabhadevi
Mumbai-400 025

2.The Authorized Officer

M/s.Aspire Home Finance Corporation Limited
(At present : Motilal Oswal Home Finance Limited)
Cluster Collection Manager
Shop No.2, First Floor
V-Complex, Door No.6/81
Avadi Main Road, Senneerkuppam
Poonamallee, Chennai-600 056

3.The Manager

M/s.Aspire Home Finance Corporation Limited
(At present: Motilal Oswal Home Finance Limited)
Lakshmi Flour Mills Upstair
11-B/5, Kamarajar 1st Street
Bethaniyapuram, Madurai-625 016

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the first respondent pertaining to the impugned notice dated 21.11.2022 vide No.Ref.Loan Account Number (S) # LXMAD00217-180065472 issued by the first respondent under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 under the SARFAESI Act, 2002 for the immovable properties offered as security by the petitioner and quash the same.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.Dinesh Hari Sudharshan
Standing Counsel

ORDER

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

The sale notice issued by the respondent – Bank is under challenge in this writ petition.

2. Learned Standing Counsel appearing for the respondent – Bank, on instructions, submits that the petitioner has not complied with in the conditional order dated 16.12.2022 passed by this Court.

3. It is to be noted that the petitioner is having efficacious alternative remedy of approaching the jurisdictional Debts Recovery Tribunal for redressal of his grievance. Therefore, we are not inclined to entertain this writ petition.



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4. Granting liberty to the petitioner to approach the jurisdictional Debts Recovery Tribunal within a period of three weeks from the date of receipt of a copy of this order for redressal of his grievance in the manner known to law, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

03.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note:

The Registry is directed to return the original impugned notice dated 21.11.2022, to the learned counsel for the petitioner, after obtaining due acknowledgement and retaining a copy of the same for file.

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and
R.VIJAYAKUMAR, J.

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