



WP(MD). No.7433 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.7433 of 2025
and WMP(MD) Nos.5586 and 5587 of 2025

Mohan

... Petitioner

Vs

1. The Authorized Officer,
Reliance Asset Reconstruction Company Limited (Racl),
11th Floor, North Side,
R-Tech Park,
Western Express Highway,
Goregaon (East),
Mumbai - 40.

2. M/s.Religare Housing Development
Finance Corporation Limited
(Rhdfcl), Trichy Branch,
No.15, 2nd Floor, Right Wing,
Pla Kangu Towers,
6th Cross Road E,
Thillai Nagar, Tiruchirappalli

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus

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calling for the entire records pertaining to the Impugned Sale Notice dated 08.02.2025 issued by the 1st respondent to conduct E-auction sale on 19.03.2025 and quash the same as illegal and consequently direct the 1st respondent to offer and accept one time settlement (OTS) from this Writ Petitioner in respect of Loan Account No.XMHDTIR00082117, on the file of the 2nd respondent now transfer to the 1st respondent, within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnu Varthanan

ORDER

(Order of the Court was made by S.SRIMATHY, J.)

This writ petition has been filed challenging the impugned sale notice dated 08.02.2025 of the 1st respondent to conduct E-auction sale on 19.03.2025 and to direct the 1st respondent to offer and accept one time settlement (OTS) from the petitioner in respect of Loan Account No.XMHDTIR00082117, on the file of the 2nd respondent now transferred to the 1st respondent, within a time stipulated by this Court.



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2. The petitioner has availed a housing loan for a sum of Rs.16 lakhs with the 2nd respondent. However, due to COVID-19 Pandemic, since the petitioner's son could not make the payment, his account is classified as NPA and subsequently, the said loan account was handed over to the 1st respondent and the 1st respondent has initiated SARFAESI proceedings and issued possession notice on 04.01.2025 Challenging the same, the petitioner has rightly approached the Debt Recovery Tribunal. Subsequently, on 08.02.2025, invoking Rule 8(6) of the SARFAESI Act, the 1st respondent has issued the impugned sale notice informing that e-auction is scheduled to be held on 19.03.2025. Aggrieved by the same, the petitioner is before this Court.

3. We have heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Since the petitioner has rightly approached the Debt Recovery Tribunal by filing SA No.398/2025, wherein stay petition has also been filed and it is pending, we are not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. It is made clear that the



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respondents may proceed with the e-auction. However, the sale shall not be confirmed for a period of two weeks. In the meanwhile, the petitioner is directed to approach the Debt Recovery Tribunal. Consequently connected Miscellaneous Petitions are closed. No costs.

[J.N.B.,J]

[S.S.Y.,J]

18.03.2025

NCC : Yes/No
Index : Yes/No

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J.NISHA BANU, J
AND
S.SRIMATHY, J.

RR

ORDER
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