



W.P.(MD)No.13222 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2025

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.13222 of 2023 &
W.M.P.(MD)Nos.11465, 11463 & 20354 of 2023

Paramasivam

... Petitioner

/Vs./

1. The Authorized officer Motilal Oswal Home Loans,
(Formerly known
as Aspire Home Finance Corporation Limited)
Having Branch Office at
No.111, B Sivalingam Complex 1st floor,
Kamaraja 1st street,
Pethaniyapuram,
Madurai - 625 016.
Having Registered Officer at
Rahimtullah Sayani Road,
Opposite parel SD Depot,
Prabhadevi,
Mumbai.

... Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records connected with the auction notice dated 27.04.2023 issued by the



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respondent and quash the same as illegal.

For Petitioner : Ms.M.Manimegalai

For Respondent : Mr.A.K.Gopalan

ORDER

(Order of the Court was made by **Dr.ANITA SUMANTH, J.**)

The writ petitioner seeks writ of certiorari, challenging an auction notice dated 27.04.2023, intimating the borrower that the immovable property shall be sold after 30 days by way of e-auction.

2. The petitioner counsel is not ready today, and in any event, we are of the considered view that there is nothing that survives as on date in this matter.

3. We find the following narration in docket order dated 12.06.2023:

Since the debt due is less than Rs.20,00,000/-, the respondent, which is a non-banking financial company, may not be entitled to invoke the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as per the Notification issued by the Ministry of Finance, dated 12.02.2021. Hence, there will be an order of interim stay



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of all further proceedings pursuant to the impugned auction notice dated 27.04.2023, issued by the respondent, until further orders.

4. In view of the long pendency of this matter, we vacate the stay granted. Liberty is always available with the petitioner to approach the authorities if he believes that the invoking of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is inappropriate in the facts and circumstances of this case.

5. With this liberty, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[A.S.M.J.] & [C.K.J.,]
11.11.2025**

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

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Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
W.P.(MD)No.13222 of 2023

Dated:
11.11.2025