



W.P(MD)No. 5795 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :03.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No. 5795 of 2026
and
W.M.P.(MD) No.4815 & 4817 of 2026**

S.Basheer Ahamed

... Petitioner

Vs.

**1.The Authorized Officer
Housing Development Finance Corporation Ltd
No.406, Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross Road
K.K.Nagar East
Madurai – 625 001.**

**2.The Regional Manager
Housing Development Finance Corporation Ltd
34, Sri Nithayakalyani Tower
Krishnarayar Tank, North Veli Street,
Madurai – 625 020.**

... Respondents



W.P(MD)No. 5795 of 2026

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned second demand notice ref: 213653 of the first respondent dated 28.01.2026 and quash the same as illegal, incompetent and without jurisdiction and further consequently, direct the respondents 1 and 2 not to initiate any coercive action against the petitioner under SARFAESI Act based on the illegal second demand notice ref:216353 dated 28.01.2026.

For Petitioner : Mr.Mohamed Azarudeen Sharof

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner challenges the notice issued by the Bank under Section 13(2) of the SARFAESI Act, 2002.

2. The main contention raised in this writ petition is that the notice has been issued fraudulently, suppressing the earlier proceedings.

3. We have gone through the entire papers. Initially, a possession notice had been issued and the possession has also been taken under Section 14 of the Act, which has been challenged before the Debt Recovery Tribunal in S.A.No.291 of 2023, wherein there was an interim



W.P(MD)No. 5795 of 2026

order for the payment of certain amount. Since the petitioner has made the payment, the interim stay has been made absolute. Later, the very S.A. was dismissed for default. After the appeal has been dismissed, now once again the notice has been issued by the Bank. Hence, we are of the view that it cannot be said that the notice issued under Section 13(2) of the Act is fraudulent. Hence, we do not find any merits in this writ petition.

4. With these observations, this Writ Petition is dismissed. However, it is open to the petitioner to challenge the notice in the manner known to law before the appropriate Tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

[N.S.K., J.] & [M.J.R., J.]
03.03.2026



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W.P(MD)No. 5795 of 2026

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

apd

ORDER MADE IN

W.P(MD)No. 5795 of 2026

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