

W.P(MD)No.23627 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.23627 of 2024
and
W.M.P.(MD) No.20005 of 2024**

Karpagam

... Petitioner

Vs.

The Authorized Officer,
The Housing Development Finance
Corporation Ltd (HDFC) Ltd.,
Now called as HDFC Bank,
Pumping Station Road,
9th Cross Street, K.K.Nagar (East),
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to remove the lock and seal of the petitioner's house property situated at Door No. 31A, comprised in T.S.No.5255, Keela Vadakarai Vaithiyanathapuram, Council Ward No.1, Periyakulam Municipal Town Survey Ward No.3 Periyakulam Town and Taluk, Theni District which was kept under lock and seal in pursuance of the order dated 02.06.2023 passed in CrI.M.P.No.4215 of 2023 on the file of the Chief Judicial Magistrate, Theni, Theni District and hand over the possession of the same at the hands of the petitioner immediately within a time that may be stipulated by this Court.



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For Petitioner : Mr.J.Muneer Khan

For Respondent : Mr.N.S.Karthikeyan

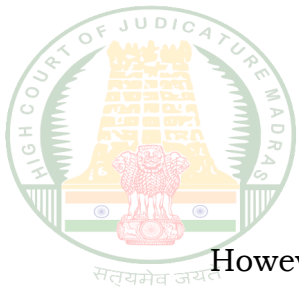
ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted to direct the respondent to remove the lock and seal of the petitioner's house property situated at Door No.31A, comprised in T.S.No.5255, Keela Vadakarai Vaithiyanathapuram, Council Ward No.1, Periyakulam Municipal Town Survey Ward No.3 Periyakulam Town and Taluk, Theni District, which was kept under lock and seal in pursuance of the order dated 02.06.2023 passed in CrI.M.P.No.4215 of 2023 on the file of the Chief Judicial Magistrate, Theni, Theni District and hand over the possession of the same at the hands of the petitioner immediately.

2. Admittedly, proceedings are pending between the parties before the Debts Recovery Tribunal.

3. Further, the learned counsel for the petitioner states that the petitioner is willing to settle the matter. If so, the petitioner is at liberty to approach the Debts Recovery Tribunal and settle the matter.



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However, this writ petition is not maintainable, in view of the legal principles settled by the Hon'ble Apex Court in the case of ***Celir LLP vs. Bafna Motors (Mumbai) Private Limited and others*** reported in **(2024) 2 SCC 1**. Therefore, this Writ Petition stands dismissed. However, liberty is granted to the petitioner to redress her grievances before the Debts Recovery Tribunal. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

J.]

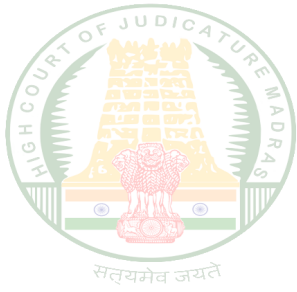
[S.M.S., J.]

[A.D.M.C.,

28.07.2025

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

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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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