



W.P.(MD)No.25935 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.25935 of 2023

and

W.M.P.(MD)Nos.22288, 22289 and 22290 of 2023

1.M/s.Arulmigu Senthilandavar,
Polytechnic College,
Represented by its Authorized Signatory,
42A/28, Ayigudi Road,
Tenkasi Taluk, (Via) Vahini Theatre,
Tenkasi.

2.M/s.Chairman Chinnapandian,
Charitable Trust,
Represented by its Authorized Signatory,
42A/28, Ayigudi Road,
Tenkasi Taluk, (Via) Vahini Theatre,
Tenkasi.

3.M.Puthiya Baskar

... Petitioners

Vs.

1.The Secretary,
Ministry of Finance,
Department of Financial Services,
3rd Floor, Jeevan Deep Building,
Sansad Marge,
New Delhi- 110 001



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2. Varthana Finance Private Limited,
Formerly Known as Thirumeni
Finance Private Limited,
Represented by its Authorised Officer,
Having Branch Office At,
D.No.H5, 4th Floor,
Sarva Centre,
Madakulam Main Road,
Palanganatham,
Madurai-625 003.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Crl.M.P.No.20099/2023 dated 04.09.2023 passed by the Chief Judicial Magistrate, Tirunelveli and quash the same and direct the 1st respondent to take appropriate action against the 2nd respondent for misusing the provisions of the SARFAESI Act.

For Petitioner	: Mr.K.K.Udayakumar
For R1	: No Appearance
For R2	: Mr.A.Sivasubramanian

ORDER

(Order of the Court was made by ***V.LAKSHMINARAYANAN, J.***)

This Writ Petition has been filed to quash the order made in Crl.M.P.No. 20099/2023 dated 04.09.2023 passed by the Chief Judicial Magistrate, Tirunelveli and to direct the first respondent to take appropriate action against the second respondent for misusing the provisions of the SARFAESI Act.



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2.The order passed by the learned Judicial Magistrate under Section 14 of the SARFAESI Act is appealable under Section 17 of the SARFAESI Act.

3.Thus, granting 15 days time to the petitioner to approach the Debt Recovery Tribunal at Madurai, this Writ Petition is dismissed. All the defences including the defence that the account of the petitioner is not a non-performing asset on the date of initiation of the proceedings before the Chief Judicial Magistrate may be raised before the Debt Recovery Tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
14.12.2023

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

V.LAKSHMINARAYANAN, J.

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