



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.06.2015

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THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD).Nos.10187 and 10192 of 2015
and

M.P. (MD).Nos.1&2 of 2015 (in each of the WPs)

I.Kulanthaiyammal ... petitioner in W.P.(MD).No.10187/2015

I.Vincentraja ... petitioner in W.P.(MD).No.10192/2015

Vs

1.Mr.Muniyasamy,
Field Officer,
State Bank of India,
Paramakudi Branch (00756),
Ramanathapuram District.

2.The Branch Manager,
State Bank of India,
Paramakudi Branch (00756),
Ramanathapuram District.

3.The Chief Manager,
(Authorized Officer),
State Bank of India,
Paramakudi Branch (00756),
Ramanathapuram District.

... Respondent in both WPs

These Writ Petitions have been filed under Article 226 of the Constitution of India praying for Writs of Certiorari to call for the records pertaining to the impugned orders passed by the third respondent in his proceedings Ref.Nil dated 04.05.2015 towards the loan account Nos.32255322963 and 32465435516 of the petitioners respectively and quash the same.

For both Writ Petitionss :-

For petitioners : Mr.Senthil Dharmarajan

COMMON ORDER

The petitioners have come forward with the Writ Petitions praying for Writs of Certiorari to call for the records pertaining to the impugned orders passed by the third respondent in his proceedings Ref.Nil dated 04.05.2015 towards the loan account Nos.32255322963 and 32465435516 of the petitioners, respectively, and quash the same.



2. At the outset, though the learned Counsel for the petitioners has raised very many grounds through his submission as well as in his grounds and in the affidavits filed in support of these Writ Petitions, this Court is not inclined to entertain these Writ Petitions on the ground that instead of working out their remedy before the Debts Recovery Tribunal, the petitioners have invoked the Writ jurisdiction, which is not maintainable, in view of the fact that the Supreme Court, in *United Bank of India v. Satyawati Tondon and others*, reported in (2010) 8 SCC 110, had made it clear that the scope of interference by this Court, under Article 226 of the Constitution of India, is limited in nature. It has also made it clear that the statutory schemes provided under the specific enactments should not be defeated by the exercise of the writ jurisdiction by this Court. As such, the alternative remedies provided to the petitioner, under the Securitisation and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002, ought not to be interfered with, by this Court, by invoking its writ jurisdiction, under Article 226 of the Constitution of India. The Supreme Court has reiterated the said position of law, in a decision, in *GM, Sri Siddeshwara Co-op. Bank Ltd. V. Sri Ikkal*, reported in (2013) 6 MLJ 571 (SC).

3. In such view of the matter, these Writ Petitions are dismissed *in limine*. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. Mr. Muniyasamy,
Field Officer,
State Bank of India,
Paramakudi Branch (00756),
Ramanathapuram District.
2. The Branch Manager,
State Bank of India,
Paramakudi Branch (00756),
Ramanathapuram District.
3. The Chief Manager,
(Authorized Officer),
State Bank of India,
Paramakudi Branch (00756),
Ramanathapuram District.

+2cc to M/S. Senthil Dharmarajan, Advocate in SR.No 32848 & 32849

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W.P (MD) .Nos.10187 and 10192 of 2015

23.06.2015