



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P.(MD)No.1913 of 2015

and

M.P.(MD)No.1 of 2015

P.Nagarajan

... Petitioner

Vs.

- 1.HDFC Bank Ltd.,
Rep.by its Manager,
Branch Office at No.110, Ceebros Building,
IV Floor, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.
- 2.HDFC Bank Ltd.,
Rep.by its Manager,
No.34, Krishnarayar Tank Street,
II Floor, North Veli Street, Madurai.
- 3.The Debts Recovery Tribunal - I,
Spencer Towers, VI Floor,
No.770 A, Anna Salai, Chennai.
- 4.The Debts Recovery Tribunal,
Kalyani Towers,
Uthangudi, Madurai.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to withdraw the O.A.No.298 of 2014 from its file and transfer to the fourth respondent i.e., the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.K.Mahendran

ORDER

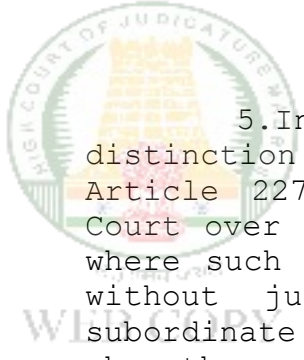
(Order of this Court was made by S.TAMILVANAN,J.)

The Writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the Debts Recovery Tribunal, Chennai, the third respondent herein, to withdraw O.A.No.298 of 2014 on its file and transfer the same to the Debts Recovery Tribunal, Madurai, the fourth respondent herein.

2.Heard the learned counsel appearing for the petitioner.

3.It is not in dispute that as against the order passed by the Debts Recovery Tribunal, appeal remedy is available before the DRAT. When there is statutory bar and efficacious alternative remedy also available, no one shall invoke the Writ jurisdiction under Article 226 of the Constitution of India, seeking the relief of transfer O.A.from one Debt Recovery Tribunal to another Tribunal.

4.Learned counsel appearing for the petitioner submitted that there is violation of fundamental rights, hence, he filed the Writ petition, however, we are not agree with the said submission. If the petitioner feels aggrieved, when there are reasons to transfer the matter pending before the Debts Recovery Tribunal, Chennai to the Debts Recovery Tribunal, Madurai, he should approach only DRAT and not by way of filing the Writ petition invoking Article 226 of the Constitution of India.



5. In this regard we want to make it clear that there is a distinction between Articles 226 and 227 of the Constitution of India. Article 227 could be invoked exercising superintending power of this Court over subordinate courts or any Tribunal subordinate to this Court, where such court fails to exercise the jurisdiction vested on it or act without jurisdiction. Here the Debts Recovery Tribunal is not subordinate to the High Court, though Writ jurisdiction is maintainable when there is infringement of fundamental rights.

6. Having gone through the averments made in the accompanying affidavit, we are of the view that there is no infringement of fundamental rights or any constitutional rights to invoke Article 226 and file Writ petition.

7. Learned counsel appearing for the petitioner submitted that the rights of the petitioner has been infringed. However, we are not agree with the same. Since efficacious alternative remedy is available, it is open to the petitioner to approach the appropriate forum according to law.

8. In the result, the Writ petition is not maintainable, accordingly, liable to be dismissed. In the result, the Writ petition is dismissed.

No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Debts Recovery Tribunal - I,
Spencer Towers, VI Floor,
No. 770 A, Anna Salai, Chennai.

2. The Debts Recovery Tribunal,
Kalyani Towers,
Uthangudi, Madurai.

3. HDFC Bank Ltd.,
Rep. by its Manager,
Branch Office at No. 110, Ceebros Building,
IV Floor, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

4. HDFC Bank Ltd.,
Rep. by its Manager,
No. 34, Krishnarayar Tank Street,
II Floor, North Veli Street, Madurai.

Sm:06.04.2015:2P/5C

W.P. (MD) No. 1913 of 2015
16.02.2015