



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No. 21419 of 2014

and

M.P. (MD) Nos. 1 and 2 of 2014

1. Erode Rana Textile Processors Pvt. Ltd.,
Erode.
2. L. Saroja
3. L. Kumaravel
4. L. Sakthi

... Petitioners

Vs.

1. The State Bank of Travancore,
Erode Branch,
479, Valayakara Street,
Erode - 1.
Post Box No. 681.
2. The Enforcement Officer,
Employees Provident Fund Organization,
Income Tax Building,
No. 21, Gandhiji Road,
Erode.
3. The Tax Recovery Officer,
Office of the Tax Recovery Officer,
No. 279 B, Gandhiji Road,
Erode - 1.
4. The Commercial Tax Officer,
Brough Road, Erode.
5. The Recovery Officer - II,
Debts Recovery Tribunal,
III and IV Floor, Kalyani Towers,
4/162, Madurai Melur Road,
Uthankudi, Madurai - 107.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the fifth respondent from conducting the auction sale proposed to be held on 12.01.2015 vide recovery proceedings in R.P.No.103/2014 in D.R.C.No.108/2014 dated 21.11.2014 before adjudicating the claim petition filed by the petitioners in I.A.No2080/2014 pending



before the fifth respondent.

For Petitioners : Mr.K.Prabhu Rajadurai

For Respondents : Mr.R.Pandivel for R1

Mr.M.Govindan, Spl.G.P. for R2, R4 and R5

Mr.R.Krishnamoorthy for R3

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ORDER

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

Heard the learned counsel appearing for the petitioners, learned Special Government Pleader appearing for R2, R4 and R5 and the learned counsel appearing for R3.

2.This Writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus or any other order or direction in the nature of a Writ forbearing the fifth respondent from conducting auction sale proposed to be held on 12.01.2015 as per the recovery proceedings in R.P.No.103/2014 in D.R.C.No.108/2014 dated 21.11.2014 before adjudicating the claim petition filed by the petitioners in I.A.No2080/2014 pending before the fifth respondent.

3.Learned counsel appearing for the petitioners submitted that the fifth respondent is taking heretic steps to sell the property belonging to the petitioners. According to the petitioners, the property is worth about more than Rs.20 Crores and the amount payable towards the first respondent / State Bank of Travancore is around Rs.3 Crores and with subsequent interest and costs. Therefore, the entire property could not be brought for sale contrary to law.

4.Learned standing counsel appearing for the first respondent submitted that the petitioners are liable to pay more than Rs.13 Crores and proceedings are initiated according to law and further, the petitioners are not entitled to maintain the Writ petition in view of the statutory bar under the relevant Act.

5.In the same way, learned Special Government Pleader appearing for the respondents 2, 4 and 5 as well as the learned counsel appearing for the third respondent also submitted that if there is any grievance in view of the impugned order passed by the fifth respondent, it is open to the petitioners to challenge the same before the appropriate forum, however, they are not entitled to file Writ petition, in spite of the fact that they have efficacious alternative remedy available.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Admittedly, the matter was decided by the Debts Recovery Tribunal, Madurai and the properties of the petitioners were



brought for sale as per the procedure. It is also brought to the notice of this Court that the matter is posted before the fifth respondent today for auction and sale of the properties. In the aforesaid circumstances, merely because there is an urgency, the petitioners cannot approach this Court by way of filing the Writ petition seeking an interim order to stay the proceedings of the fifth respondent. As there is statutory bar and alternative remedy is available, this Court cannot pass any order of stay either in the nature of Writ of Mandamus or otherwise. However, we make it clear that it is open to the petitioners to approach the fifth respondent or the appropriate forum namely the DRT or DRAT in the manner known to law to seek redressal. Since the matter is not within the purview of the Writ jurisdiction of this Court, we are of the view that the Writ petition is liable to be dismissed.

7. With the above observation, the Writ petition is dismissed. No order as to costs. Consequently, connected M.P.s. are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The State Bank of Travancore,
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Debts Recovery Tribunal,
III and IV Floor, Kalyani Towers,
4/162, Madurai Melur Road,
Uthankudi, Madurai - 107.

+1cc to Mr. R. Pandivel, Advocate Sr. No. 1200

+1cc to Spl. Government pleader Sr. No. 1764

+1cc to Mr. R. Krishnamoorthy, Advocate Sr. No. 1142

+1cc to Mr. E. Rajasekar, Advocate Sr. No. 1217

nbj

AA/07.04.2015/3p- 10c/

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09.01.2015