



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.3373 of 2015

1.A.Subramanian

2.S.Parvathi

... Petitioners

Vs.

1.The Authorised Officer,  
ICICI Bank Ltd.,  
Home Loan Division,  
Thanjavur.

2.ARMS (Air Cil),  
Recovery Division,  
No.715/C,  
7<sup>th</sup> Floor, Spencer Plaza,  
769, Anna Salai,  
Chennai 600 002.

3.The District Collector,  
Collectorate,  
Thanjavur.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, calling for the records pertaining to the notice Na.Ka.No.14846/2004/E1, dated 07.02.2015 issued by the 3<sup>rd</sup> respondent to quash the same and pass such other orders as this Court may deem fit and proper in the nature and circumstance of the case and thus render justice.

For Petitioner : Mr.C.Selvaraj  
For Respondents 1&2 : Mr.Pala.Ramasamy  
For 3<sup>rd</sup> Respondent : Mr.V.Manokaran,  
Special Government Pleader.

ORDER

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

Challenging the order dated 07.02.2015 passed by the third respondent herein in Na.Ka.No.14846/2004/E1, the present writ petition has been filed seeking an order in the nature of Certiorari to quash the said impugned order.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel for the respondents.

3.It is an admitted fact that the petitioners herein have obtained loan from ICICI bank represented by the first respondent herein and the said bank is admittedly a secured creditor. Since the said loan was not repaid and settled by the petitioners, invoking SARFAESI Act



proceedings were initiated against the petitioners who are debtors to the said bank. Challenging the same, the present writ petition has been filed.

4. On the facts and circumstances, we are of the view that the writ petition itself is not legally maintainable since there is an efficacious alternative remedy available to the petitioners in approaching the Debts Recovery Tribunal and then the Debts Recovery Appellate Tribunal. Learned counsel for the petitioners has not disputed that even if there is any order passed by the Debts Recovery Tribunal against law, the remedy would be available to the petitioners before the Debts Recovery Appellate Tribunal.

5. Having gone through the grounds raised by the petitioners, we are of the view that the writ petition is not legally maintainable under Article 226 of the Constitution of India.

6. In the aforesaid circumstances, we find it just and reasonable to dismiss the writ petition as not maintainable. Accordingly, the writ petition is dismissed. However, it is open to the petitioners to approach the appropriate authority or forum according to law. No costs. Consequently, M.P(MD)Nos.2 and 3 of 2015 are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Authorised Officer,  
ICICI Bank Ltd.,  
Home Loan Division,  
Thanjavur.

2. The District Collector,  
Collectorate,  
Thanjavur.

3. ARMS (Air Cil),  
Recovery Division, No. 715/C,  
7<sup>th</sup> Floor, Spencer Plaza,  
769, Anna Salai, Chennai 600 002.

+1cc to Mr. C. Selvaraj, Advocate in SR.No. 11590  
+1cc to Special Government Pleader in SR.No. 12235

Sm:24.03.2015:2P/6C:

W.P (MD) No. 3373 of 2015  
11.03.2015