



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.3883 of 2015 and M.P. (MD) No.1 of 2015

V.T.Rajendran

... Petitioner

Vs.

1.The Authorized Officer,
State Bank of Travancore,
Regional Office,
Region No.1, G.K.N.Building,
No.24, North Car Street,
Nagercoil,
Kanyakumari District.

2.The Presiding Officer,
Debt Recovery Tribunal,
Madurai.

3.L.Noel Raj

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, granting extension of further 8 weeks time to the petitioner on expiry of the period of 15 days time for restoring possession of dwelling house No.7-96 B, Veettuvenny, Marthandam, Nalloor Village, Vilavancode Taluk, Kanyakumari District to the first respondent pursuant to the order dated 05.03.2015 made in S.A.No.61 of 2014 on the file of the Debt Recovery Tribunal, Madurai.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.S.Devaraj for R1

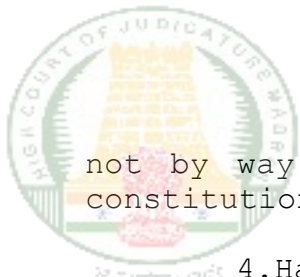
O R D E R

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

This Writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, for granting extension of further eight weeks time to the petitioner on the expiry of the period of 15 days time for restoring possession of dwelling house No.7-96 B, Veettuvenny, Marthandam, Nalloor Village, Vilavancode Taluk, Kanyakumari District to the first respondent pursuant as per the order dated 05.03.2015 passed in S.A.No.61 of 2014 on the file of the Debt Recovery Tribunal, Madurai.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the first respondent.

3.A copy of the impugned order is available at page No.32 of the typed set of papers. It is well settled that aggrieved by the order passed by the Debts Recovery Tribunal one could approach DRAT, however,



not by way of filing Writ petition, unless fundamental rights or any constitutional right is affected.

4. Having gone through the impugned order dated 05.03.2015, we are of the view that there is efficacious alternative remedy available to the petitioner. Hence, the petitioner should approach the appropriate forum seeking the relief of and not by way of filing Writ petition invoking Article 226 of the Constitution of India. The Writ petition is not legally maintainable and the same is liable to be dismissed.

5. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected M.P. is closed.

6. Registry is directed to return the original order copy to the learned counsel appearing for the petitioner as per procedure known to law.

Sd/-

Assistant Registrar (Per Admn.)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Authorized Officer,
State Bank of Travancore,
Regional Office,
Region No.1, G.K.N. Building,
No.24, North Car Street,
Nagercoil,
Kanyakumari District.

2. The Presiding Officer,
Debt Recovery Tribunal,
Madurai.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. S. Balasubramanian, Advocate, SR.No.13811

W.P. (MD) No.3883 of 2015
19.03.2015

nbj

PA/15.04.2015/2P/5C