

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3758 OF 2017

Surendran Selvaraj,
Proprietor of M/s. Veni Hosiery Works Petitioner
Vs.
Punjab National Bank & Others Respondents

Mr. Rakesh K. Singh for the Petitioner.
Mr. Prakash U. Shinde i/by MDP & Partners for
Respondent No.1.

CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.

DATE : MARCH 31, 2017

P.C:

After this petition was placed before us and we invited the attention of the counsel appearing for the petitioner to Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, “the SARFAESI Act, 2002”) and pointed out that the same affords a complete remedy so also to seek all reliefs by an alleged tenant/petitioner against physical dispossession from the

immoveable property/shop premises, more particularly described in the writ petition, the counsel submits that the petitioner is ready and willing to file such an application/appeal. Once it is conceded that the petitioner has alternate and equally efficacious remedy in terms of the above, then, this writ petition under Article 226 of the Constitution of India challenging the order passed by the Chief Metropolitan Magistrate under Section 14 of the the SARFAESI Act, 2002 and the consequential direction need not be entertained. It is disposed of with liberty to the petitioner to file an application under Section 17 of the SARFAESI Act, 2002.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)