

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. [MD].No.14588 of 2015
and
M.P. (MD)Nos.1 and 2 of 2015

G.Jeyachandra

: Petitioner

Vs.

1. The Presiding Officer,
Debts Recovery Tribunal,
IV Floor, Kalyani Towers,
Melur Main Road,
Madurai.

2. The Branch Manager,
Syndicate Bank,
Neyyoor,
Kanyakumari District.

3. The Authorised Officer,
Syndicate Bank, Regional Office,
R.S.Puram,
Coimbatore.

4. Florance

: Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the first respondent dated 03.08.2015, made in S.A.No.10 of 2008 and quash the same and consequently, direct the respondents 2 to 4 to hand over the possession of the property to the petitioner.

For Petitioner : Mr.S.Suresh.

For Respondents 2&3 : Mr.R.Pandivel.

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

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

There is a statutory remedy available to the petitioner by filing appeal before the Debts Recovery Appellate Tribunal. The



petitioner, bypassing the statutory remedy, filed this Writ Petition. We are, therefore, of the view that the Writ Petition is legally not maintainable.

2. We give liberty to the petitioner to file an appeal before the Debts Recovery Appellate Tribunal, Chennai. In case any such appeal is filed, within a period of thirty days, the same shall be entertained, taking into account the pendency of the Writ Petition before this Court challenging the order passed by the Debts Recovery Tribunal, dated 03 August, 2015. This indulgence is given, taking into account the fact that within the statutory period for filing appeal, the petitioner has filed the Writ Petition.

3. The Writ Petition is disposed of with above liberty. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

Copy to:

Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. AIYAR & DOLIA, Advocate, SR.No.65194.
+1cc to M/S. R.VIJAYAKUMAR, Advocate, SR.No.64754.
+1cc to M/S. R.PANDIVEL, Advocate, SR.No.64523.

Order made in
W.P.[MD].No.14588 of 2015
11.07.2017

SML/MYR
SDS/MR:KKR/SAR 1/18.07.2017/2P/5C