



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P. (MD) No.691 of 2017 (PD)

Mr.V.Kuppusamy ...Petitioner/Petitioner/Applicant

Vs.

1.The Registrar,
Debt Recovery Tribunal, Madurai,
III & IV Floor, Kalyani Towers,
4/162 Madurai-Melur Road, Uthangudi,
Madurai-625 107. ...1st Respondent

2.The Authorized Officer,
Indian Bank,
Thiruchengodu Branch,
TGN Complex, West Car Street,
Anna Salai, Tiruchengodu,
Nammakal District-637 211. ... Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 09.03.2017 passed in I.A.No.374 of 2017 in S.A.No.82 of 2017 on the file of the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.P.Jesus Moris Ravi

For Second Respondent : Mr.T.Govindasamy

O R D E R

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

Heard Mr.P.Jesus Moris Ravi, learned counsel for the petitioner, Mr.T.Govindasamy, learned Standing counsel for the second respondent.

2.The petitioner, is before this Court by invoking the service jurisdiction of this Court under Article 227 of the Constitution of India, challenging the interlocutory order passed by the Debt Recovery Tribunal, Madurai, in I.A.No.374 of 2017 in S.A.No.82 of



2017, dated 09.03.2017. The said application was filed by the petitioner for grant of stay of all further proceedings pursuant to the sale notice dated 18.02.2017.

3. The learned standing counsel appearing for the second respondent submits that the one item of the property mentioned in the sale notice has already been sold. In the impugned order, we find that the Tribunal has imposed a condition on the petitioner for grant of order of interim stay. If the petitioner is aggrieved by such order, then his remedy is before the Debt Recovery Appellate Tribunal and there is no error of jurisdiction warranting interference of this Court in exercising the supervisory power under Article 227 of the Constitution of India. Further more, the SARFAESI Act is a self contained code providing for hierarchy of remedy to the aggrieved person. Therefore, the petitioner, if aggrieved by the order of Debt Recovery Tribunal, has to prefer an appeal. The present attempt of the petitioner to approach this Court is thoroughly misconceived.

4. For the above reasons, since there is an effective alternative remedy available to the petitioner, this civil revision petition cannot be entertained. Accordingly, the same is dismissed. However, liberty is given to the petitioner to file an appeal as against the impugned order. The Debt Recovery Appellate Tribunal, while computing the limitation for filing the appeal, shall exclude the period between 20.03.2017, when this revision was presented before this Court and the date on which, the certified copy of this order is issued to the petitioner. No costs.

Sd/-

Assistant Registrar(CS I)

/TRUE COPY/

Sub Assistant Registrar

To
The Registrar,
Debt Recovery Tribunal, Madurai,
III & IV Floor, Kalyani Towers,
4/162 Madurai-Melur Road, Uthangudi,
Madurai-625 107.

+1cc to Mr.P.Jesus Moris Ravi, Advocate SR.No.54462
+1cc to Mr.T.Govindasamy, Advocate SR.No.54230

NS

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