



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2017

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
and  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**WP.(MD) No.1076 of 2017**  
and  
**WP.M.P.(MD) No.915 of 2017**

K.Chinnaiyan

... Petitioner

-vs-

1.The Authorised Officer,  
State Bank of India,  
Peravoorani Road,  
Aranthangi & Taluk,  
Pudukkottai District.

2.The Branch Manager,  
State Bank of India,  
Peravoorani Road,  
Aranthangi & Taluk,  
Pudukkottai District.

3.Mr.Manjula Devi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to forbear the respondents 1 and 2 from taking any action under the provisions of SARFAESI ACT 2002 relating to Door No.26, in Suvery No.2/2, in Valaiyalkarar Street, Aranthangi Town & Taluk, Pudukkottai District.

For Petitioner : Mr.K.Balasundharam

For Respondents : Mr.R.Sethuraman, for R1 to R2  
No Appearance for R3

### **O R D E R**

[Order of the Court by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.Balasundharam, learned counsel appearing for the writ petitioner, Mr.R.Sethuraman, learned counsel appearing for the respondents 1 and 2.

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

2. The petitioner, who is claiming to be a tenant of the



property, which has been mortgaged in favour of the respondent bank is before this Court, seeking for a writ of mandamus to forbear the respondent bank from taking any action under the provisions of the SARFAESI Act, relating the property in question.

3. The relief sought for in the writ petition can not be granted for more than one reason. Firstly, there can not be a writ of mandamus issued to prevent the bank from exercising power under the Statute. Secondly, when the petitioner claims to be a tenant, his remedy lies before the Debt Recovery Tribunal under the provisions of the SARFAESI Act.

4. Hence, the relief sought for by the writ petition is rejected and this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions is also dismissed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.K.BAALASUNDHARAM, Advocate, SR No. 18627

ARUL/SKM

PSM/SV-MMS/SAR3/17.04.2017/2P/2C

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