



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.20266 of 2017
and
W.M.P.(MD)No.16511 of 2017

M/s.Shree Ganesh EPC Pvt Ltd.,
7/1B2, Main Road,
Near Muppandal Devi Temple,
Aravalmozhi-629 301.

: Petitioner

-Vs-

1.Field General Manager,
Syndicate Bank,
1 Floor, Leelavathi Building,
No.69, Armenian Street,
Chennai-600 001.

2.The Deputy General Manager,
Regional Office,
Syndicate Bank,
Madurai.

3.Chief Manager,
Syndicate Bank,
207B, College Road,
Nagercoil-629 001.

4.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai-600 002.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the 12 impugned possession notices issued by the third Respondent in No.6182/PN/1,2,3,4,5,5A, 6,8,9, 9A, 9B&10/2017, all dated 13.10.2017 and to quash the same and direct the Respondents to provide the bank guarantee as per its letter of sanction in No.SL/NGL/6182/ADV/2015, dated 27.03.2015 in favour of the fourth



Respondent and consequently, direct the fourth Respondent to consider the representation of the Petitioner dated 16.10.2017 and to release an amount of Rs.1,81,26,840/- to the Petitioner and to further release an amount of Rs.3,61,80,568/- to the Petitioner upon providing bank guarantee by the Petitioner.

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For Petitioner : M/s.Karthik Ranganathan

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Since this Court disposes of the present Writ Petition at the admission stage itself, notice is not ordered to the Respondents 1 to 4.

2. It transpires that the Petitioner is assailing the 12 impugned possession notices issued by the third Respondent/Bank dated 13.10.2017 under Section 13(4) of the SARFAESI Act, 2002.

3. Considering the fact that the Petitioner has an effective, efficacious, viable and an alternative statutory remedy of approaching the Debts Recovery Tribunal at Madurai, this Court is of the considered view that the present Writ Petition filed by the Petitioner is per se not maintainable. Viewed in that perspective, the Writ Petition fails.

4. In fine, the Writ Petition is dismissed. It is made quite clear by this Court that the dismissal of the present Writ Petition will not preclude the Petitioner to seek appropriate remedy before the competent Debts Recovery Tribunal, if he is so advised, of course, in the manner known to law and in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar

+One cc to M/s.Karthick Ranganathan, Advocate, SR.No.85550

SML

RL/2C/2P/KK/SAR2/15/11/2017