



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.04.2017**

CORAM:

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

W.P. (MD) No.25085 of 2016 &
W.M.P. (MD) .Nos.18151 and 18152 of 2016

B.Rajeshwari

...Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tuticorin District,
Tuticorin.

3.The Tahsildar,
Tuticorin Taluk,
Tuticorin District.

4.The Authorized Officer,
Federal Bank, Tuticorin Branch,
Tuticorin.

5.The Branch Manager,
Federal Bank,
Tuticorin Branch,
Tuticorin.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.C4/49488/2013, dated 24.02.2014 and quash the same.

For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.V.Muruganantham for R1 to R3
Additional Government Pleader

**O R D E R**

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

The petitioner, who is a borrower from the fourth respondent bank, is before this Court challenging the order passed by the District Collector under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. As rightly contended by the fourth respondent bank, the petitioner has not exhausted her effective alternative remedy before the Debts Recovery Tribunal.

3. The petitioner's case is that the impugned order though dated 24.02.2014, was not served on the petitioner and she came to know about the order only when the third and fifth respondents came to the her property on 19.12.2016 to evict her from the property. Therefore, she rushed to this Court during the vacation and filed this writ petition.

4. The fact as to whether the petitioner was furnished a copy of the order dated 24.02.2014 is a disputed question which the petitioner has to establish before the Tribunal. However, only indulgence that can be granted by this Court is that as and when the petitioner approaches the Debts Recovery Tribunal, the period during which this writ petition was pending i.e. between 27.12.2016 and date of receipt of a copy of this order, alone shall stand excluded.

5. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

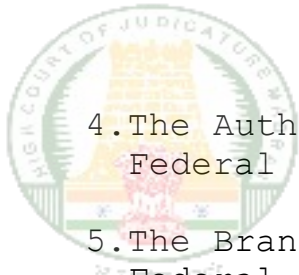
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Tuticorin District, Tuticorin.
- 2.The Revenue Divisional Officer,
Tuticorin District, Tuticorin.
- 3.The Tahsildar,
Tuticorin Taluk, Tuticorin District.



4.The Authorized Officer,
Federal Bank, Tuticorin Branch, Tuticorin.

5.The Branch Manager,
Federal Bank, Tuticorin Branch,
Tuticorin.

+1 CC TO MR.R.PANDIVEL,ADVOCATE,SR NO.51438

+1 CC TO MR.R.VIJAYAKUMAR,ADVOCATE,SR NO.51797

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.51745

jikr

MAS/KP/SAR4:21.04.2017:3P-9C

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