

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.33965 of 2018 and
W.M.P.Nos.39441 & 39442 of 2018

1 T.Ramalakshmi
2 S.Thirumalaiswamy Petitioners

v.

The Authorized Officer
Indian Bank
No.18, K.V.Koil Street
Ayanavaram, Chennai-600 023 ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondent remove the seal and restore the possession of the petitioners' property situated at Door No.2A, 100 Feet Road, Rajeswari Nagar Extension, measuring an extent of 1222 sq.ft and a building having plinth area of 1200 sq.ft ground and first floor thereon at Selaiyur Village, Tambaram Taluk, Kancheepuram District, belonging to the petitioners herein and also not to dispossess the petitioners without due process of law.

For Petitioners : Mr.D.Dhamodaran

सतयमेव जयते
O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus, directing the respondent remove the seal and restore the possession of the petitioners' property and also not to dispossess the petitioners without due process of law.

2. It is the case of the petitioners that they have availed a loan from the respondent-bank in the year 2015 by mortgaging the property. Since the petitioners committed default in repaying the loan amount, the respondent-bank initiated

proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Subsequently, the respondent-bank also issued the sale notice, which was challenged by the petitioners before the Debts Recovery Tribunal.

3. According to the petitioners, during the pendency of the appeal, the respondent sealed the premises and therefore, the petitioners filed an appeal in S.R.No.8129 of 2018 before the Debts Recovery Tribunal-III, Chennai. However, the Registry of the Tribunal, returned the appeal papers raising some queries.

4. The petitioners without convincing the Tribunal, filed the Writ Petition challenging the action taken by the respondent-bank.

5. It is settled position that the remedy open to the petitioners is only before the Debts Recovery Tribunal and therefore, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Rj
To

The Authorized Officer
Indian Bank
No.18, K.V.Koil Street
Ayanavaram, Chennai-600 023.

+1cc to Mr.R.Dhamodaran, Advocate sr.88716

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