



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.06.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

C.R.P. (PD) (MD) No.1059 of 2018

and

C.M.P. (MD) .Nos.4586 and 5292 of 2018

M/s.Marutee Agro Foods,
rep. by its Managing Partner,
Smt.M.Rajalakshmi
S.F.No.17,9,10, S.Mettur Road,
Peramangalam Village, Musiri Taluk,
Trichy District 621 006.

..Petitioner/Appellant

-vs-

1.The District Magistrate/The District Collector,
O/o.The District Collector,
Collectorate Complex,
Trichirappalli.

2.The Authorized Officer,
Central Bank of India,
Srirangam Branch,
Tiruchirappalli.

.. Respondents/Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 16.04.2018 made in I.A.No.2543/2017 in S.A.No.505/2017 on the file of the Hon'ble Debts Recovery Tribunal, Madurai.

For Petitioner :Mr.R.Sriram

For Respondent :No appearance for R-1

Mr.S.Rengasamy for R-2

Mr.A.N.Ramanathan for impleading petitioner

ORDER

Challenging the order passed in I.A.No.2543 of 2017 in S.A.No.505 of 2017 on the file of the Debts Recovery Tribunal, Madurai, the borrower has filed the above Civil Revision Petition under Article 227 of the Constitution of India.

2.Challenging the SARFAESI proceedings, the borrower filed SARFAESI appeal in 505/2017. In the said appeal, the borrower filed



an application in I.A.No.2543 of 2017, seeking for stay of all further proceedings under the SARFAESI Act, taken by the second respondent including the order dated 28.11.2017 passed by the first respondent.

3. It is brought to the notice of this Court by the learned counsel appearing for the respondent Bank that two of the eight mortgaged properties were sold in the auction held on 12.01.2017 and the sale was also confirmed in favour of one Ravi and one Gayathri Devi on 17.02.2017 and 09.12.2016 respectively. It is also brought to the notice of this Court that the District Collector has passed orders in the application filed under Section 14 of the SARFAESI Act, for taking possession in respect of the properties. The tribunal, after taking into consideration the case of both parties, dismissed the petition finding that there are no valid reasons and merit for the grant of stay of all further proceedings.

4. It is pertinent to note that under Section 18 of the SARFAESI Act, the revision petitioner has got remedy by way of an appeal before the Debts Recovery Appellate Tribunal. Without exhausting the appellate remedy, the petitioner has filed the Civil Revision Petition. That apart, the Honourable Supreme Court in the judgments reported in (2018) 3 SCC 85 (Authorized Officer, State Bank of Travancore and Another) and (2018) 1 SCC 626 (Agarwal Tracom Private Limited Vs Punjab National Bank and Others) has held that the party aggrieved over the order passed by the Debts Recovery Tribunal should file an appeal before the Debts Recovery Appellate Tribunal and should not approach the High Court under Article 226 of the Constitution of India.

5. The ratio laid down by the Honourable Apex Court squarely applies to the present case. Following the same, we are of the considered view that this Civil Revision Petition filed by the petitioner is not maintainable. Accordingly, the same is dismissed. It is open to the revision petitioner to challenge the impugned order in accordance with law before the Debts Recovery Appellate Tribunal, Chennai. There shall be no order as to costs. In view of the order passed in the Civil Revision Petition, the impleading petition in C.M.P.(MD).No.5292 of 2018 is closed. Consequently, connected C.M.P.(MD).No.4586 of 2018 is also closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Presiding Officer,
Debts Recovery Tribunal,
Madurai.



2.The District Magistrate/The District Collector,
O/o.The District Collector,
Collectorate Complex,
Trichirappalli.

WEB COPY

+1CC to Mr.R.Sriram Advocate in SR.No.69837.

+4CC to Mr.S.Rengasamy Advocate in SR.No.69718.

+1CC to Mr.A.N.Ramanathan Advocate in SR.No.69742.

VS

DS/SKN-RSK/SAR-4 :05.07.2018: 3P/9C

C.R.P.PD. (MD)No.1059 of 2018
25.06.2018