



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.M.P (MD) No.19802 of 2018
in W.P. (MD) No.SR105641 of 2018

1.Sri Shoundariya Herbo Tech Products
represented through its Proprietor
V.Srinivasaraghavan
Door No.43 Bharathi Main Road,
N.R.T.Nagar,
Theni,
Theni District.

2.M/s.Theni Agro Farms Private Ltd.,
represented through its Director,
V.Srinivasaraghavan
Door No.43 Bharathi Main Road,
N.R.T.Nagar,
Theni,
Theni District.

3.M/.s.Theni Agro Farms Private Ltd.,
represented through its Director and Mortgagor,
Purushothaman
Door No.43 Bharathi Main Road,
N.R.T.Nagar,
Theni,
Theni District.

... Petitioners

vs.

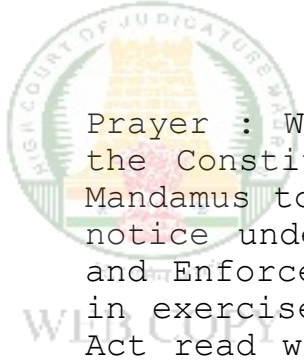
1.The Authorized Officer,
Canara Bank
Theni Branch
Theni, Theni District.

2.The Branch Manager
Canara Bank,
Theni Branch,
Theni, Theni District.

... Respondents

Prayer in W.M.P (MD) No.19802 of 2018

Petition filed under Article 226 of Constitution of India, to
permit the petitioner to file a single Writ Petition by all the
petitions.



Prayer : Writ Petition is sought to be filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned possession notice under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (Act 54 of 2002) and in exercise of powers conferred under Section (4) of Section 13 of Act read with Rule 8 of the Security Interest (Enforcement) Rules, 2002 on 10.10.2018 issued by the 1st and 2nd respondents bank and quash the same as illegal.

For Petitioner : Mr.M.A.M.Raja

O R D E R

(Order of the Court was made by T.RAJA, J.)

This Miscellaneous Petition has been filed to permit the petitioners to file a single writ petition, since they were aggrieved by the notices issued by the respondent Bank under Section 13(2) followed by notice under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (Act 54 of 2002) (in short 'SARFAESI Act').

2. Learned counsel for the petitioners in an element to impress upon us pleaded that the petitioners are not even defaulters of the loan availed from the respondent Bank and therefore, they have been advised to approach this Court. As against the notices issued as mentioned above, the petitioners have to approach the Debt Recovery Tribunal.

3. It is well settled legal position that no writ will lie, when there is statutory, effective and efficacious alternative remedy available and without exhausting the said remedy, the petitioner cannot come to this Court. Therefore, the present Miscellaneous Petition and the Writ Petition are refused. Accordingly, this Miscellaneous Petition and the writ petition fail and the same are dismissed. The petitioner is directed to approach the Debt Recovery Tribunal, if he is so advised. No costs.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Authorized Officer,
Canara Bank
Theni Branch

<https://hcservices.ecourts.gov.in/hcservices/>
Theni, Theni District.



2.The Branch Manager
Canara Bank,
Theni Branch,
Theni, Theni District.

+ 1 CC TO Mr.M.A.M.Raja , ADVOCATE IN SR No. 20311.

RR

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in W.P. (MD) No.SR105641 of 2018

25.10.2018