

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

WRIT PETITION NO.30827 OF 2018

**ORDER:** {Per the Hon'ble Sri Justice Ramesh Ranganathan}

The action of the respondent-Bank in issuing notice under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("the SARFAESI Act" for brevity) dated 17.07.2018 read with Rule 8 of the Security Interest (Enforcement) Rules, 2002 is questioned in this Writ Petition as being arbitrary and illegal.

Against the proceedings initiated under Section 13(4) of the SARFAESI Act, the petitioner has an effective alternative statutory remedy of approaching the Debts Recovery Tribunal under Section 17 of the said Act, without exhausting which he has invoked the jurisdiction of this Court under Article 226 of the Constitution of India. As the petitioner has an effective alternative remedy, we see no reason to exercise discretion to entertain this Writ Petition.

Leaving it open to the petitioner to avail his remedies under Section 17 of the SARFAESI Act, the Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

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**(RAMESH RANGANATHAN, J)**

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**(KONGARA VIJAYA LAKSHMI, J)**

6<sup>th</sup> September 2018  
RRB