

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.5505 of 2003 and
W.M.P.No.7100 of 2003

1.M.Balasubramaniam
2.M.Shanmugavadivel
3.T.Sivakumar ... Petitioners

Vs.

1. The Recovery Officer,
Debts Recovery Tribunal,
KSHB Building,
Panampilly Nagar, Kochi - 36.
2. The Debts Recovery Tribunal,
Ernakulam.
3. Federal Bank Limited,
Palakkad Branch,
Palakkad, Kerala State. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari to call for the records of the respondents ending with the order of the 1st respondent in DRC No.1017/FB/EKM dated 11.02.2003 and quash the same.

For Petitioner : Mr.Kandavadivel Doraisami

For Respondents: Mr.M.Vaidyanathan (R3)
R1 & R2 - Tribunal

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O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioners challenging the order dated 11.02.2003 passed by the Recovery Officer, Debts Recovery Tribunal, Kochi.

2. When the petitioners have got alternate and efficacious remedy available to them before the Debts Recovery Tribunal as against the order passed by the Recovery Officer, the Writ Petition filed by the petitioners before this Court cannot be entertained. The Hon'ble Supreme Court in various judgments repeatedly held that the Writ Petitions filed before the High Court without exhausting the alternate remedy should not be entertained. In view of the said ratio, we are not inclined to entertain the Writ Petition and accordingly, the Writ Petition is dismissed. However, it is open to the petitioners to challenge the order passed by the Recovery Officer before the Debts Recovery Tribunal in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Recovery Officer,
Debts Recovery Tribunal,
KSHB Building,
Panampilly Nagar, Kochi - 36.

2. The Debts Recovery Tribunal,
Ernakulam.

+1 CC to Mr. M. Vaidyanathan, Advocate sr 26614.

+1 CC to M/s. Muthumani Doraisami, Advocate sr 27022.

W.P.No.5505 of 2003 and
W.M.P.No.7100 of 2003

KK (CO)
SP (12/04/2019)

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