



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.40099 OF 2006

AND

M.P.S.2 & 3 OF 2006

A.Balasubramanian

... Petitioner

Versus

1. The District Collector and
District Magistrate,
Thiruvallur District,
Thiruvallur.
2. Standard Chartered Bank,
rep. by its Authorised Signatory
and Power of Attorney Holder
Mr.Sudhir Balram,
No.58, Armenian Street,
Chennai-1.
3. S.Kubendran,
S/o.Mr.Subbarayalu,
No.6-A, Navalar Nagar,
Thirumangalam High Road,
Anna Nagar East,
Chennai-40.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Proceedings R.C.No.29923 of 2006, M2 dated 28.02.2006 quash the same and consequently direct the respondents 1 and 2 to forbear themselves from initiating any action against the property at Plot No.39, 4th Main Road, Indian Bank Colony, Ambattur, Chennai-53, which is not the property alleged to be mortgaged by the 3rd respondent with the 2nd respondent.



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For Petitioner : Mr.K.Kannadhasan
for Mr.P.Muthukumarasaamy
For Respondents : Mr.I.Sathish,
Addl.Govt.Pleader

O R D E R

This Writ Petition has been challenging the order passed under Sec.14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Ordinance, 2002 (hereinafter called as "SARFAESI Act"). Against the order passed under Sec.14 of SARFAESI Act, the petitioner has an alternative remedy, appeal under Sec.17 of the SARFAESI Act. Without availing the said remedy, the petitioner cannot maintain Writ petition. A Division Bench of this Court in a batch of Writ Petitions in W.P. Nos.41174 and 43734 of 2006 dated 29.08.2019 has held that the Writ Petition cannot be maintained challenging the order passed under Sec.14 of SARFAESI Act. In the said circumstances, the present Writ Petition stands dismissed. However, liberty is granted to the petitioner to challenge the order in the manner known to law. No costs. Consequently, the connected Miscellaneous Petitions in M.P.s 2 and 3 of 2006 are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp

To

The District Collector and
District Magistrate,
Thiruvallur District, Thiruvallur.

+1cc to Mr.P.Muthukumarasaamy, Advocate, S.R.No.92070
+1cc to the Government Pleader, S.R.No.91965

W.P.40099 of 2006
and
M.P.s.2 and 3 of 2006

SPD(CO)
CS/22/01/2020