

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.1497 of 2004 and

W.P.M.P.No.1590 of 2004

S.Sekar

.. Petitioner

Vs.

1.The Recovery Officer,
Debts Recovery Tribunal,
Coimbatore.

2.The Indian Overseas Bank,
Pudukottai Branch,
Pudukottai.

3.The Inspector of Police,
District Crime Branch,
Pudukottai.

4.The Deputy Commercial Tax Officer,
Pudukottai.

5.S.Mohammed Mustafa alias Rajamohammed

6.S.M.Kumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari to call for the records relating to the order of the 1st respondent in R.P.No.99 of 2002 in D.R.C.No.35 of 1999 (New No.75 of 2001) dated 13.01.2004 and the consequential notice issued by the 6th respondent dated 20.01.2004 and quash the same.

For Petitioner : Mr.G.Sankaran

For Respondents: R1 - Tribunal

Mr.S.Kamalesh Kannan,
Government Advocate (R3)

Mr.V.Haribabu,
Additional Government Pleader (Tax) (R4)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of certiorari to call for the records relating to the order dated 13.01.2004 passed by the 1st respondent and the consequential notice issued by the 6th respondent dated 20.01.2004 and to quash the same.

2.The petitioner has challenged the order passed by the 1st respondent, the Recovery Officer, Debts Recovery Tribunal, Coimbatore dated 13.01.2004. As against the order passed by the Recovery Officer, the petitioner has got alternate remedy by way of an appeal before the Debts Recovery Tribunal. However, the petitioner has challenged the order passed by the Recovery Officer without exhausting the alternate remedy available to him before the Debts Recovery Tribunal.

3.On a perusal of the materials available on record, it could be seen that an order of interim stay was granted on 30.01.2004 in respect of the impugned order dated 13.01.2004 in this Writ Petition.

4.When the petitioner has got alternate remedy available to him before the Debts Recovery Tribunal, the present Writ Petition cannot be entertained. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to challenge the impugned order dated 13.01.2004 passed by the Recovery Officer before the Debts Recovery Tribunal in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

va

To

1.The Recovery Officer,
Debts Recovery Tribunal, Coimbatore.

2.The Indian Overseas Bank,
Pudukottai Branch, Pudukottai.

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3.The Inspector of Police,
District Crime Branch, Pudukottai.

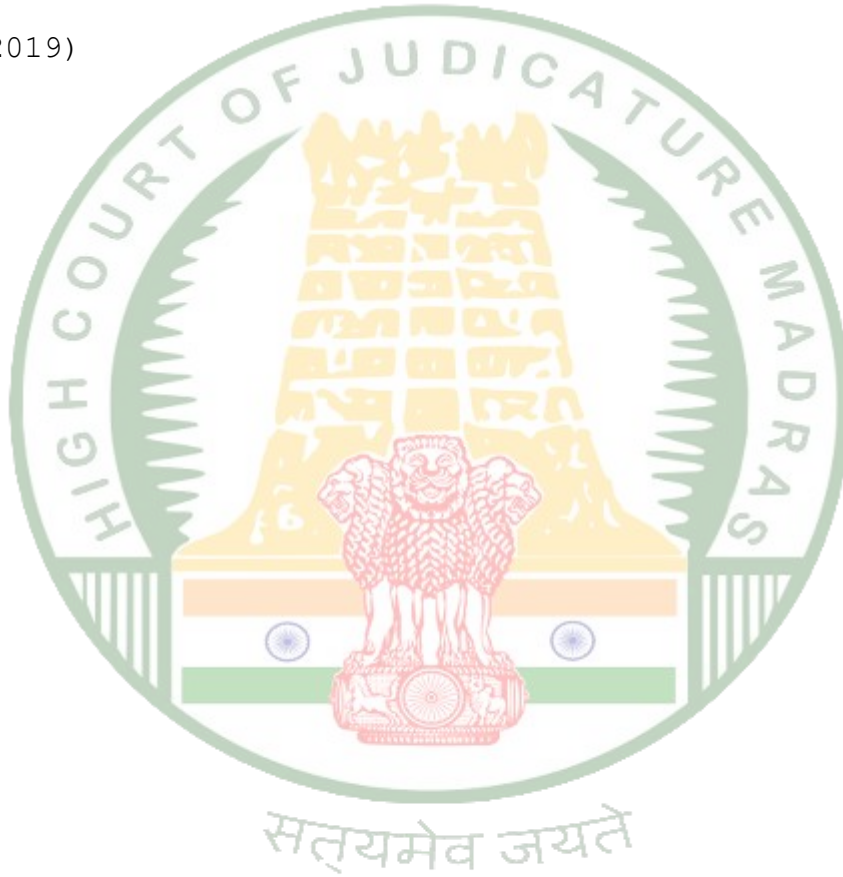
4.The Deputy Commercial Tax Officer,
Pudukottai.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 35735

+1cc to the Special Government Pleader(Taxes), S.R.No. 35964

W.P.No.1497 of 2004 and
W.P.M.P.No.1590 of 2004

CA(CO)
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