

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.05.2019
CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
And
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.13880 of 2019
and
W.M.P.Nos.13951 & 13953 of 2019

M/s.Aravindh Lakshmi Ceramics,
Rep by its Prop: T.Dhandapani,
Kumbakonam Main Road,
Pillaiyarkuppam,
Kadampuliur Post,
Panruti Taluk,
Cuddalore District. Petitioner

Vs.

The Authorised Officer,
Canara Bank,
Neyveli Branch,
Neyveli Township,
Cuddalore District. Respondent

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Certiorarified
Mandamus, to call for the records of the respondent
pursuant to the notice in Ref:NEY/ARAVIND/ 021/2018/SVC
dated 17.09.2018 under Section 13(2) and the possession
notice issued on 01.04.2019 under Section 13(4) of the
Securitization and Reconstruction of Financial Asset and
Enforcement of Security Interest Act, 2002 and quash the
same with consequential direction to the respondent to
restore the possession.

For Petitioner : Mr.A.Malathi Devapriyam

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O R D E R

(Order of the Court was made by SUBRAMONIUM PRASAD, J.)

The petitioner by this writ petition has
challenged the demand notice dated 17.09.2018 and the
possession notice issued under Section 13(4) of the
SARFAESI Act dated 01.04.2019.

2. The primary contention of the petitioner is that the Bank has not complied with the provisions of Section 13(3A) of the SARFAESI Act, in as much as it has not considered the representation given by the petitioner to the notice issued by the Bank under Section 13(2) of the Act within the period specified under section 13(3A) of the Act.

3. Be that as it may. The remedy prescribed under the SARFAESI Act is to approach the Debts Recovery Tribunal by filing appropriate petition under Section 17 of the SARFAESI Act. In the presence of an alternate efficacious remedy, it is not open to the petitioner to knock the doors of the High Court, under Article 226 of Constitution of India.

4. Since there is an alternate remedy under the SARFAESI Act available to the petitioner, the present petition is not being entertained and the petitioner is directed to approach the competent Authority under the SARFAESI Act.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vji / pri
To

The Authorised Officer,
Canara Bank,
Neyveli Branch,
Neyveli Township,
Cuddalore District.

+1cc to M/s. A.Malathi Devapriyam, Advocate SR.No. 43432

W.P.No.13880 of 2019

and

W.M.P.Nos.13951 & 13953 of 2019

A.SK(16/05/2019)