

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.14326 of 2019 and

W.M.P.No.14386 of 2019

Shri.R.Jagadeeswaran .. Petitioner

v.

- 1 The District Collector
Tiruppur District, Tiruppur.
- 2 The Authorized officer
Corporation Bank, Industrial Finance Branch,
1604, Trichy Road,
Coimbatore-641 018.
- 3 The Commissioner of Police,
Tiruppur City, Tiruppur.
- 4 The Tahsildar,
Tiruppur South Taluk, Tiruppur.
- 5 The Sub Collector
Tiruppur District, Tiruppur. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, Calling for the records of the 1st respondent herein proceedings in Ref No.18592/2017/C3, dated 16.11.2018 and consequential order passed by the 5th respondent proceedings in Ref. No.242/2019/A1 dated 6.2.2019 is illegal and quash the same and consequential direction directing the 2nd respondent to brought the E-Auction under the SARFAESI Act 2002 in Item No.A is extracted 13(4) Notice of the Spinning Mill property was measuring about 12 acres situated in S.F. Nos.311/1,2,3. 312/1 and 313, Anaipatti Road, Musuvanoothu Village , Nilakottai Taluk, Dindigul District.

For Petitioner : Mr.K.Rajendra Prasad

For Respondents: Mr. S.N. Parthasarathy,
Government Advocate - for R1 & R3 to R5

Mr.N.Sivabalan - for R2

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 petitioner to issue a Writ of Certiorari Mandamus to call for the records of the 1st respondent in respect of the order dated 16.11.2018 and the consequential order passed by the 5th respondent dated 6.2.2019 and to quash the same and consequently directing the 2nd respondent to conduct E-Auction under the SARFAESI Act in respect of Item No.A mentioned in section 13(4) Notice belonging to the Spinning Mill measuring an extent of 12 acres in S.F. Nos.311/1,2,3. 312/1 and 313, Anaipatti Road, Musuvanothu Village, Nilakottai Taluk, Dindigul District.

2. Challenging the order passed by the respondents 1 and 5 under section 14 of the SARFAESI Act, the petitioner, who is the borrower has filed the above Writ Petition.

3. As against the order passed under section 14 of the SARFAESI Act, the petitioner has got alternate remedy available to him under section 17 of the SARFAESI Act.

4. When the matter was listed for hearing, the Division Bench of this Court recorded that only an appeal is maintainable as against the impugned orders. However, in order to give an opportunity to the petitioner to settle the matter, the Writ Petition was kept pending.

5. Admittedly, the petitioner has not made any payment thereafter. In these circumstances, we are not inclined to entertain the Writ Petition for the reason that the petitioner has got remedy of filing an appeal before the Debts Recovery Tribunal under section 17 of the SARFAESI Act. However, it is open to the petitioner to approach the Debts Recovery Tribunal, in accordance with law.

With these observations, the Writ Petition is dismissed.
No costs. Consequently, the connected Miscellaneous Petition
is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

Rj

To

1 The District Collector
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2 The Authorized officer
Corporation Bank, Industrial Finance Branch,
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3 The Commissioner of Police,
Tiruppur City, Tiruppur.

4 The Tahsildar,
Tiruppur South Taluk, Tiruppur.

5 The Sub Collector
Tiruppur District, Tiruppur.

+1cc to Mr.K.Rajendra Prasad, Advocate SR.No.57016

+1cc to Mr.S.Sethuraman, Advocate SR.No.57707

+1cc to Government Pleader SR.No.57311

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W.M.P.No.14386 of 2019

RV (CO)
GMY (07/08/2019)

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