

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.21708 of 2019
and W.M.P.Nos.20920, 20922 and 20923 of 2019

M/s.Vastra Textiles,
A Partnership Firm, Rep. by its
Partner, Sri.P.Suresh Kumar. .. Petitioner

-vs-

1.The Authorised Officer,
M/s.State Bank of India,
Two Win Chambers, Pudur Pirivu,
Tirupur - 641 608.

2.M/s.MRP Garments,
rep. by its partners,
Mr.M.Rajan and Mrs.R.Manonmaniam.

3.M.Rajan

4.R.Manonmani

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the impugned possession notice dated 09.05.2019 in respect of the petition property i.e., to an extent of 19.87 cents from and out of 44 cents comprised in Survey No.258/2 and quash the same and consequence thereon to direct the 1st respondent's bank to revert the liabilities account statement of the 2nd respondent by giving dis-credit of Rs.1,00,00,000/- (Rupees One Crore only) from the 2nd respondent account with effect from 30.03.2017.

For Petitioner : Mr.N.Devarajan

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioner.

2.The petitioner has challenged the possession notice dated 09.05.2019 in respect of the petitioner's property to an extent of 19.87 cents from and out of 44 cents comprised in Survey No.258/2 situated at Mannarari Village, Tiruppur District.

3.It is an admitted fact that the petitioner has approached the Debts Recovery Tribunal, Coimbatore, by filing SA (SR) 5377 of 2019 against the possession notice dated 09.05.2019. However, the Debts Recovery Tribunal, Coimbatore, disposed of the said SA (SR) No.5377 of 2019, vide order dated 17.06.2019, by observing that the said application is not maintainable.

4.In view of the fact that the Debts Recovery Tribunal, Coimbatore, has passed an order in SA (SR) No.5377 of 2019 which was preferred against the possession notice, if the petitioner is aggrieved by the order of Debts Recovery Tribunal, Coimbatore, the petitioner has to prefer an appeal before the Debts Recovery Appellate Tribunal, Coimbatore. However, it is seen that the petitioner has instead approached this Court in writ jurisdiction.

As there is an efficacious alternate remedy available to the petitioner, we are not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

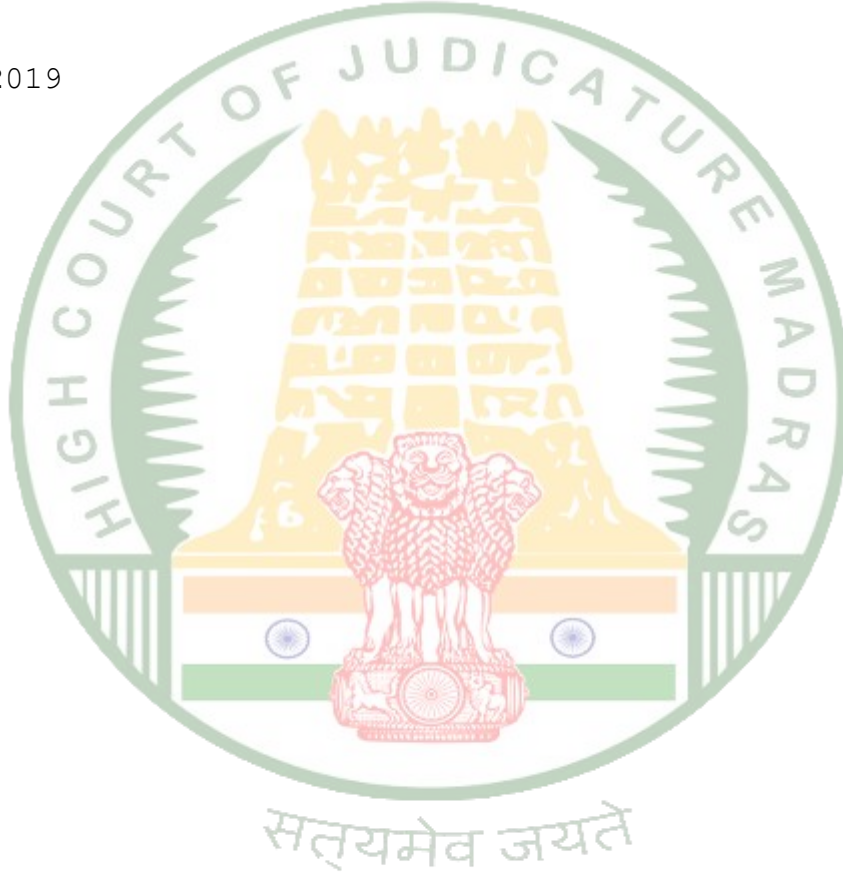
TO:

1.The Authorised Officer,
State Bank of India,
Two Win Chambers, Pudur Pirivu,
Tirupur - 641 608.

+lcc to Mr.N.Devarajan, Advocate sr.63186

W.P.No.21708 of 2019

GJII(CO)
NR 18/09/2019



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