

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE DR. JUSTICE VINEET KOTHARI

AND

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.21836/2019 & WMP.Nos.21049 & 21050/2019

1.M/s.K.M.B. Granites Quarriers
No.1, Old No.4/59, Raghavan Street
Swarnapuri, 5 Road, Salem.

2.K.S.Granites
Salem.

.. Petitioners

Vs

1.The District Magistrate and Collector
Salem District.

2.The Authorised Officer
Punjab National Bank
No.448A, Dr.Nanjappa Road
Coimbatore.

3.The Tahsildar
Salem West Taluk
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari calling for the records leading to pass the impugned order of the 1st respondent dated 18.06.2019 in ROC.No.28219/2017/CS served on the petitioner on 20.06.2019 and quash the same.

For Petitioner : Mr.V.Raghavachari for
Mr.M.Naraayanaswamy

For RR 1 & 3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was delivered by DR.VINEET KOTHARI, J.]

The present writ petition has been filed assailing the order dated 18.06.2019 passed by the learned District Magistrate and Collector, Salem under section 14 of SARFAESI Act. seeking to take over the possession of the assets in question of the writ petitioner/borrower.

2 Apparently, the petitioner has an effective alternate remedy available to him under the provisions of SARFAESI Act, viz., under section 17, before the Debt Recovery Tribunal. The present writ petition itself was filed after the order dated 18.06.2019 is said to have been served upon the petitioner on 26.06.2019 ; whereas the present writ petition is filed before this Court on 19.07.2019, after about 25 days which has come up before us today on 24.07.2019 for admission.

3 In view of the petitioner having an effective alternate remedy available to him, we are of the opinion that the present writ petition cannot be entertained under Article 226 of the Constitution of India. The petitioner must avail the regular alternative statutory remedy under the said law.

4 Therefore, we dispose of the writ petition directing the petitioner to avail the remedy under section 17 of SARFAESI Act before the concerned Debt Recovery Tribunal. In case the said Tribunal is approached by the petitioner, we express the hope that the Debt Recovery Tribunal will expeditiously take up the proceedings.

5 The writ petition stands disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Magistrate and Collector
Salem District.

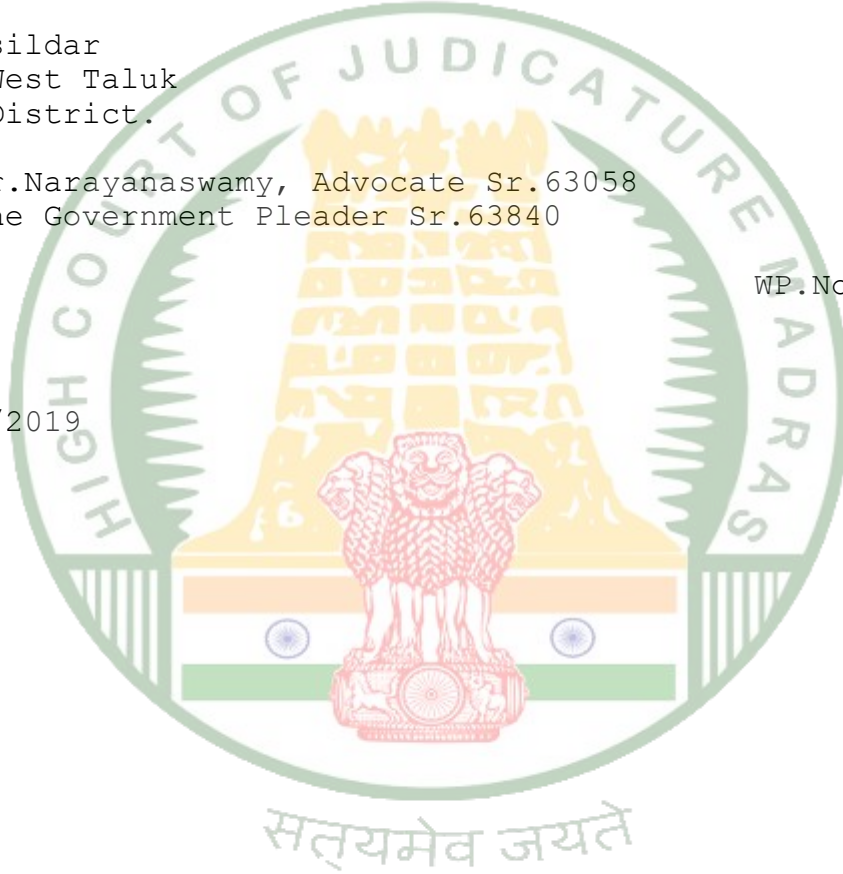
2.The Authorised Officer
Punjab National Bank
No.448A, Dr.Nanjappa Road
Coimbatore.

3.The Tahsildar
Salem West Taluk
Salem District.

+lcc to Mr.Narayanaswamy, Advocate Sr.63058
+lcc to the Government Pleader Sr.63840

WP.No.21836/2019

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srg 13/08/2019



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