



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17012 of 2019
and

W.M.P.(MD)Nos.13579 and 13580 of 2019

Adarsh
S/O.Paulraj

: Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District
At Nagercoil.
- 2.The Special Thasildar (Stamp -I),
Nagercoil, Kanyakumari District.
- 3.The Authorised Officer (Chief Manager) /
Assistant General Manager,
Indian Bank, No.33, Madurai Road,
Tirunelveli Junction, Tirunelveli.
- 4.The Assistant General Manager,
Indian Bank, No.33, Madurai Road,
Tirunelveli Junction, Tirunelveli.
- 5.The General Manager,
Indian Bank, Corporate Office,
No.254-260, Avai Shanmugam Salai,
Chennai - 14.
- 6.The Deputy General Manager,
Indian Bank, GRR Building, Zonal Office,
Perumalpuram, Tirunelveli.
- 7.V.S.K.Radhakrishnan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in K.Dis.No.C4/43025/2017, dated 07.04.2018 and quash the same as illegal.



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For Petitioner : Mr.C.Mayilvahana Rajendran
For R-1 & R-2 : Mr.N.Shanmugaselvam
Additional Government Pleader
For R-3 to R-6 : Mr.R.Pandivel

O R D E R

[Order of the Court was made by K.RAVICHANDRABAABU, J.]

This writ petition is filed challenging the order passed by the first respondent, dated 07.04.2018 under Section 14 of the SARFAESI Act.

2.Heard the learned counsel for the petitioner and perused the materials placed before this Court. Mr.N.Shanmugaselvam, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.R.Pandivel, learned counsel takes notice for the respondents 3 to 6. Since we propose to dispose of this writ petition without affecting the interest of either parties, notice to the seventh respondent is dispensed with.

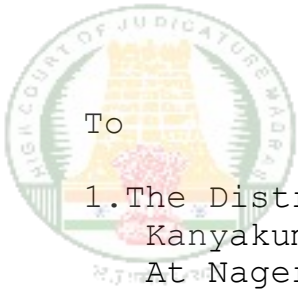
3.The petitioner is aggrieved against the order passed by the first respondent under Section 14 of the SARFAESI Act, wherein and whereby the first respondent by invoking his power under Section 14 (1) (2) of the said Act, issued direction to the Special Tahsildar (Stamp I), Nagercoil, to take possession of the property mentioned in the said proceedings and hand over the same to the authorized officer of the respondents bank with proper acknowledgment.

4.Though several contentions are raised in this writ petition as against the said order passed by the first respondent, we are not inclined to go into the merits of those contentions and express any view on the same, since there is a statutory remedy available to the petitioner to file an application under Section 17 (4-A) of the SARFAESI Act before the concerned Debts Recovery Tribunal and raise all the contentions as has been raised in this writ petition. Therefore, it is for the petitioner to work out his remedy by approaching the concerned Debts Recovery Tribunal by filing application under Section 17 (4-A) of the said Act.

5.Granted such liberty, this writ petition is disposed of without expressing any view on the merits of the claim made by the respective parties. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (Records)

/TRUE COPY/



To

1.The District Collector,
Kanyakumari District
At Nagercoil.

2.The Special Thasildar (Stamp -I),
Nagercoil, Kanyakumari District.

+1 CC to M/s.R.PANDIVEL, Advocate (SR-79034[F] dated 01/08/2019)

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-79070[F] dated
01/08/2019)

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01.08.2019

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