



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2019

CORAM:

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

W.P.(MD)No.18196 of 2019
and
W.M.P.(MD)No.14627 of 2019

Rajamani

... Petitioner

- Vs. -

1.The District Collector, Thoothukudi District,
Thoothukudi.

2.The Sub Collector/Revenue Divisional Officer,
Beach Road, Thoothukudi.

3.The Authorized Officer,
Canara Bank, Chidampara Nagar Branch,
Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari Mandamus calling for the records of the impugned order in Na.Ka.C4/34003/2018, dated 15.7.2019 passed by the 1st respondent and quash the same.

For Petitioner : Mr.R.Murugappan

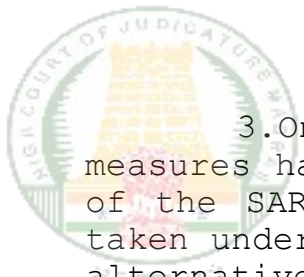
For R-1 & R-2 : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by SENTHILKUMAR RAMAMOORTHY, J.]

This writ petition was filed challenging the order, dated 15.07.2019 passed by the first respondent under Section 14 of the SARFAESI Act, 2002.

2.We heard the learned counsel appearing for the petitioner, who submitted that the impugned order was passed because relevant facts with regard to the filing of the Civil Suit by the third respondent/bank were suppressed. Therefore, he submitted that the impugned order is liable to be set aside.



3. On perusal of the impugned order, we find that various measures have been taken after issuing a notice under Section 13(2) of the SARFAESI Act. In view of the fact that measures have been taken under Section 13(4) of the SARFAESI Act, the petitioner has an alternative remedy under Section 17 of the said Act.

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4. Accordingly, we are of the view that it is not a fit case for the exercise of discretionary jurisdiction. Consequently, without expressing any opinion on the merits of the case, we dispose of this writ petition by granting liberty to the petitioner to file appropriate proceedings before the Debts Recovery Tribunal concerned within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Collector, Thoothukudi District,
Thoothukudi.

2. The Sub Collector/Revenue Divisional Officer,
Beach Road, Thoothukudi.

3. The Authorized Officer,
Canara Bank, Chidampara Nagar Branch,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-83305[F] dated 26/08/2019

W.P. (MD) No.18196 of 2019
22.08.2019

rj2

MS/09.09.2019/2P.5C