



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P.(MD).No.21030 of 2019

and

W.M.P.(MD).No.17629 of 2019

A.Anitha Parveen

... Petitioner

Vs.

1.The Authorized Officer,
IDFC First Bank Limited,
8th Floor, A-Wing,
Asher IT Park,
Waghle Estate, Thane-West,
Mumbai, Maharashtra-400 604

2.The Authorized Officer,
IDFC First Bank Limited,
(Erstwhile Capital First
Limited and Amalgamated with IDFC
Bank Limited)
No.79/2, Bypass Road,
Raja Parley Complex, 1st Floor,
Madurai-625 010.

PRAYER:Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned possession notice under Section 13(4) of the SARFAESI Act 2002 issued by the 2nd respondent dated 10.09.2019 and quash the same and consequently, direct the respondents reschedule the loan.

For Petitioner :M/s.J.Balameenakshi



ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard M/s.J.Balameenakshi, learned counsel appearing for the petitioner.

2.By consent on either side, this writ petition is taken up for disposal.

3.The petitioner availed loan from the respondent Bank and defaulted in repayment, therefore, action has been initiated under the provision of the SARFAESI Act and possession notice has been issued under Section 13(8) of the Act.

4.In our considered view, if the petitioner is aggrieved by any action initiated by the respondent Bank under the SARFAESI Act, then the remedy is available for the petitioner before the Debts Recovery Tribunal. Therefore, we cannot entertain this writ petition. Accordingly, this writ petition is dismissed. No costs. However, liberty is granted to the petitioner to move the Debt Recovery Tribunal.

Sd/-

Assistant Registrar

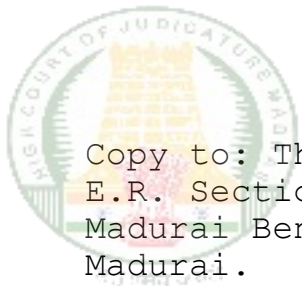
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Sub Assistant Registrar(CS)

To

1.The Authorized Officer,
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Madurai-625 010.



Copy to: The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.J.BALAMEENAKSHI, Advocate (SR-90353[F] dated
30/09/2019)

W.P.(MD).No.21030 of 2019
and
W.M.P.(MD).No.17629 of 2019

30.09.2019

_KK/SAR/21.10.2019/3P-5C/