



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.21768 of 2019

and

W.M.P.[MD]No.18508 of 2019

G.Vaigundan

: Petitioner

Vs.

- 1.The Authorized Officer,
Indian Overseas Bank,
Regional Office,
Plot No.40, 80 feet Road,
Arignar Anna Nagar,
Madurai - 625 020.
- 2.The Branch Manager,
Indian Overseas Bank,
Palanichettipatty Branch,
3-1-93/1, Palanichettipatty,
Theni District.

3.Madhankumar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records pertaining to the alleged impugned order of possession notice dated 30.08.2019 under Section 13(4) SARFAESI Act, 2002, read with Rule (9) of SARFEASI Rule and the consequential E-auction sale notice in RO/LAW/SAR/129/2019-20 dated 19.09.2019 of the proposed sale on 21.10.2019 under SARFAESI Act issued by the first respondent and quash the same as illegal.

For Petitioner

: Mr.A.Mithun Chakravarthi

For Respondents 1&2

: Mr.Pala Ramasamy

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner has challenged the measures initiated by the respondent Bank under the provisions of the SARFAESI Act, 2002 [hereinafter referred to as 'the Act'].



3. Heard Mr.A.Mithun Chakravarthi, learned Counsel for the petitioner and Mr.Pala Ramasamy, learned Counsel for respondents 1 & 2.

4. There is a clear bar for entertaining the writ petition as the petitioner has an alternate remedy under Section 17 of the Act. Without exhausting the alternate remedy, the petitioner cannot bypass the same and approach this Court. Hence, we find no good ground to entertain this Writ Petition. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

5. The Registry is directed to return the original impugned notices to the petitioner to enable the petitioner to workout his remedy before the Debt Recovery Tribunal.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

MR

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

+1 CC to M/s.PALA.RAMASAMY, Advocate (SR-92976[F] dated 18/10/2019)

Order made in
W.P. [MD]No.21768 of 2019
Dated: 16.10.2019

KK/SAR/30.10.2019/2P-3C/