



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.22697 of 2019

and

W.M.P. (MD) No.19452 and 19454 of 2019

R.Bibin Suresh

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Authorized Officer,
State Bank of India,
Irenipuram Branch,
Kanyakumari District.

3.The State Bank of India,
Represented by its Manager,
Irenipuram Branch,
Kanyakumari District.

.. Respondents

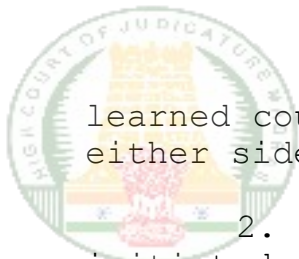
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings under Section 13(4) of SARFAESI Act published by the respondents 2 and 3 dated 02.11.2017 in Dina Malar Newspaper, dated 10.11.2017 and quash the entire proceedings in furtherance of the above said proceedings and restrain the respondents from proceeding as against the petitioner's property of 19 ½ in R.Sy.No.513 / 19 for which old corresponding survey No.5209 of Killiyoor Village, Vilavancode Taluk (now Killiyoor Taluk), Kanyakumari District and the building therein Door No.20-150.

For Petitioner	: Mr.M.R.Sreenivasan
For R1	: Mr.A.Muthukaruppan
	Additional Government Pleader
For R2 and R3	: Mr.Anand C.Rajesh

ORDER

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

Heard Mr.M.R.Sreenivasan, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader, appearing for the first respondent and Mr.Anand C.Rajesh,



learned counsel for the second and third respondents. By consent on either side, this writ petition is taken up for final disposal.

2. This writ petition is filed challenging the proceedings initiated under Section 13(4) of the SARFAESI Act. The writ petition is not maintainable, since the petitioner has an effective remedy under Section 17 of the Act. Without availing the same, the writ petition cannot be filed.

3. The learned counsel for the respondent Bank submitted that the possession has already been taken.

4. Therefore, while disposing of the writ petition, we grant liberty to the petitioner to approach the Debt Recovery Tribunal for appropriate relief. Equally, it is open to the petitioner to approach the respondent Bank to offer a reasonable proposal to settle the entire outstanding and they can also make an offer to make substantial part payment, so that atleast the dwelling house can be permitted to be occupied by the petitioner.

5. In view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

ta
To

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Authorized Officer,
State Bank of India,
Irenipuram Branch,
Kanyakumari District.

+1CC TO MR.ANANTH.C.RAJESH, Advocate Sr. No.94682

+1CC TO MR.M.R.SREENIVASAN, Advocate Sr. No. 94785

W.P (MD) No.22697 of 2019

25.10.2019

NSN (CO)

TR (25.10.2019) 2P 5C