

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH  
AND  
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.6931 of 2020  
and W.M.P.No.8725 of 2020

E.C.Lathaa ... Petitioner

Vs

1.The Authorized Officer/Chief Manager,  
Bank of Baroda,  
Nambiyur Branch,  
Gobichettipalayam Taluk,  
Erode District.

2.M/s.Anbu Thanga Maalikai  
42,Sathy Main Road,  
Near Bus Stand,  
Gobichettipalayam,  
Erode District.

3.Pon Sivasamy  
4.U.Sumathi  
5.K.Chinnasamy  
6.Sivakumar  
7.K.Udhayakumar  
8.P.Muthukumaran  
9.Easwari

सत्यमेव जयते ... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed under Section 14 of the SARFAESI Act, 2002 dated 09.04.2011 made in CMP No.421 of 2011 passed by the Chief Judicial Magistrate, Erode, quash the same and consequently forbearing the 1<sup>st</sup> respondent or their men and agents from in any way interfering with the petitioner's peaceful possession and enjoyment of the subject matter property measuring 10690 sq. ft., comprised in S.F.Nos. 157/B, (pt), 170 E (pt), T.S.Nos. 74 (pt), 76 (pt), 77 (pt), 80 (pt) and 81, 82

(pt), Veerapandi Village, Ward No.24, Door Nos. 41, 42, Ward B Block 31, Venkatachalam Pettai, Gobichettipalayam Town, Erode District.

For Petitioner : Mr.N.Manokaran

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

The petitioner has come forward to challenge the order dated 09.04.2011 passed by the Chief Judicial Magistrate, Erode in exercise of the powers conferred under Section 14 of the SARFAESI Act.

2. We have heard the learned counsel appearing for the petitioner.

3.The learned counsel appearing for the petitioner submitted that the Chief Judicial Magistrate does not have the power or authority to pass such an order.

4. We are not inclined to entertain this writ petition for more than one reason. The order has been passed on 09.04.2011. Thereafter, the petitioner has filed S.A.No.309 of 2012 before the Debts Recovery Tribunal - I, Madurai. Therefore, all the contentions can be taken in the said proceedings which have been filed after the orders sought to be challenged before us. Secondly, the contentions raised on the lack of jurisdiction also cannot be countenanced, as the Apex Court, in a recent judgment, has held that both the District Collector and the Chief Judicial Magistrate do have the power to pass orders.

5. In such view of the matter, the writ petition stands dismissed. However, the issues can be raised in the matter pending before the Debts Recovery Tribunal - I, Madurai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Authorized Officer/Chief Manager,  
Bank of Baroda,  
Nambiyur Branch,  
Gobichettipalayam Taluk,  
Erode District

2.The Chief Judicial Magistrate,  
Erode.

3.The Debts Recovery Tribunal I,  
Madurai.

+lcc to Mr.N.Manokaran, Advocate, sr.no.24215

W.P.No.6931 of 2020

PVS (CO)  
RMP (24/07/2020)



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