

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.10333 of 2020
& W.M.P.Nos.12575, 12561 and 12572 of 2020

1.Y.Satya Poorna chandra Rao
2.Y.Jithin Kumar
3.Y.Sivaramakrishna ... Petitioners

Vs

1.Authorised officer,
Bank of India, Chennai Large Corporate Branch,
4th Floor, Tarapore Towers,
826, Anna Salai, Chennai - 600 002.
2.M/s. Sujana Universal Industries Limited,
Plot No.18, Nagarajuna Hills,
Panjagutta, Hyderabad - 500 082.
3.Shri Y.S. Chowdary ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certioraified calling for the records with respect of the proceedings under section 13(4) of the SARFAESI Act dated 09.05.2019 on the file of the 1st Respondent taking possession of the Petitioners property situated at Sri Sai Nagar in S.No.160/1, 160/2 and 158/2 of Koluthvancherry Village, Sriperumbudur Taluk Chengalpet District admeasuring an extent of 7560 sq.ft, 6300 sq.ft and 7700sq.ft and to quash the same on the ground that the measures under section 13(4) of the SARFAESI Act 2002 by the 1st Respondent is beyond the limitation as prescribed under the limitation Act 1963 and consequently direct the 1 Respondent to discharge the property of the petitioners and to pass such further or other order.

For Petitioners .. Mr.Kamalakaran
for Ms.K.Jayasudha

ORDER

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

In as much as the petitioner has got an effective alternative remedy by filing an application before the Debts Recovery Tribunal, we are not inclined to entertain this writ petition. However, considering the facts of the case, we are inclined to grant 2 (Two) more weeks' time to file such an application. As and when such application is filed, the Debts Recovery Tribunal is directed to consider the same, without rejecting it on the ground of limitation. After all, what the petitioner wants is to challenge the possession notice on merits.

2. This writ petition is disposed of with the above directions. No costs. Consequently connected WMPs are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Debts Recovery Tribunal
Chennai.

+2 Ccs to Ms.K.Jayasudha, Advocate sr 26417

W.P.No.10333 of 2020

AJS(CO)
SP(04/09/2020)

सत्यमेव जयते

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