

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

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

W.P.No. 12170 of 2020
and W.M.P.Nos. 14907 & 14909 of 2020

1.M/s.S.P.Pipes,
Partnership firm,
Rep by its Partner John Peter,
199/2, Avvai Nagar,
Jagir Ammapalayam Post,
Salem - 636 302.

2.G.John Peter

3.John Daniel

4.Umarani

.... Petitioners

Vs

The Authorized Officer,
The South Indian Bank,
Regional Office No.1084,
Thiruchy Road,
Sungam,
Coimbatore - 641 018.

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records from the Chief Judicial Magistrate of Namakkal in C.M.P.No.95/2020 dated 04.03.2020 and to quash the same and to direct the respondent to restore the petitioners in the property at SF No.135/1A3C5 in Thiruchengode Village of Thiruchengode Taluk in Namakkal District.

For Petitioners .. Mr.M.Saravanakumar

ORDER

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

Challenging the order of the Chief Judicial Magistrate,
Namakkal in C.M.P.No.95/2020 dated 04.03.2020 and for a

consequential direction to the respondent to restore the petitioners in the property at SF No.135/1A3C5 in Thiruchengode Village of Thiruchengode Taluk in Namakkal District, the present writ petition has been filed.

2. Admittedly, the writ petition is not maintainable in view of the alternative remedy available before the jurisdictional Debts Recovery Tribunal. Thus, we are not inclined to entertain the writ petition. However, considering the fact, particularly the pandemic situation, the petitioner is given a week's time from the date of receipt of a copy of this order for filing the appropriate application before the jurisdictional Debts Recovery Tribunal. The stay application to be filed by the petitioner will have to be considered within a period of one week thereafter for the purpose of protection.

3. With the above said direction, the writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

The Authorized Officer,
The South Indian Bank,
Regional Office No.1084,
Thiruchy Road, Sungam, Coimbatore - 641 018.

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