



WEB COPY

W.P(MD)No.25361 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.25361 of 2019

and

W.M.P(MD)Nos.21921 and 23653 of 2019

M/s.Prime Industry,
represented by its
Partner,
Srinivasan

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Karur,
Karur District.

3.The Authorized Officer,
Siemens Financial Services Private Limited,
Door No.272/688,
Anna Salai Service Line,
Chennai - 600 006.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the order passed by the first respondent dated 30.10.2019, in Rc.No.D4/7395/2019 and quash the same.

For Petitioner : Mr.P.Athimoolapandian

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R.1 & R.2
Mr.T.Balakumaran
for M/s.R & P Partners for R.3

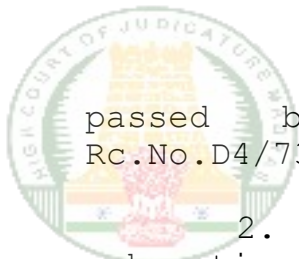
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ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the records pertaining to the order

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passed by the first respondent dated 30.10.2019, in Rc.No.D4/7395/2019 and quash the same.

2. The petitioner has filed the above writ petition without exhausting the alternative remedy available to them under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, (in short "SARFAESI Act").

3. The Honourable Supreme Court in the cases of **The Authorized Officer, State Bank of Travancore and another Vs. Mathew K.C.**, reported in (2018) 3 SCC 85 and **Agarwal Tracom Private Limited Vs. Punjab National Bank and others** reported in (2018) 1 SCC 626 has held that the aggrieved parties cannot challenge the SARFAESI proceedings directly by filing a writ petition under Article 226 of the Constitution of India without exhausting the appeal remedy available to them.

4. In a recent decision of the Honourable Supreme Court in **ICICI Bank Limited v. Umakanta Mohapatra**, reported in 2018 SCC Online SC 2349, the Apex Court has referred to the decision in the case of **Mathew K.C.**, (cited supra) and observed that despite several judgments, including the decision in the case of **Mathew K.C.**, (cited supra), the High Courts continue to entertain matters which arise under the SARFAESI Act and keep granting interim orders in favour of persons who are Non-Performing Assets. Further, the Honourable Supreme Court has held that writ petition filed by the aggrieved party, without exhausting the statutory remedy available under the SARFAESI Act and Recovery of Debts Due to Banks and Financial Institutions Act, is not maintainable.

5. In such view of the matter, we are not inclined to entertain the writ petition and accordingly, this writ petition is dismissed. However, it is open to the petitioner to challenge the impugned order passed by the first respondent, dated 13.10.2019 in accordance with law. No costs. Consequently, W.M.P(MD)No.21921 of 2019 is dismissed and W.M.P(MD)No.23653 of 2019 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb



To

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Karur,
Karur District.

+1 CC to M/s.T.BALAKUMARAN, Advocate (SR-4900[F] dated 05/02/2020)

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-5023[F] dated
06/02/2020)

+1 CC to M/s.SPL GP (SR-5107[F] dated 06/02/2020)

W.P(MD)No.25361 of 2019

and

W.M.P(MD)Nos.21921 and 23653 of 2019

05.02.2020

KK/SAR/10.02.2020/3P-6C/