

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM :

THE HON-BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON-BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.1020 of 2021

PRO Visual Audio Private Limited
No.4, Pushpa Nagar, 1st Main Road
Iyappanthangal, Chennai 600 056
rep. by its Director P.Natrajan. Petitioner

Vs.

Fullerton India Credit Company India
Old No.307, New No.165 Megh Towers
Poonamallee High Road
Maduravoyal
Chennai 600 095
rep. by its Authorised Officer. Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the Sale Notice dated 16.12.2020 issued by the respondent NBFC and quash the same and consequently direct the respondent to issue No Due Certificate to the petitioner and further direct the respondent to return the original title documents of the schedule mentioned property to the petitioner.

For Petitioner : Mr.Anil Relwani
For Respondent : Mr.Balasubramani Velan

ORDER

(Made by the Hon-ble Chief Justice)

This is a case of another debtor seeking to abuse the process of this Court by invoking the extraordinary jurisdiction under Article 226 of the Constitution ahead of the regular statutory remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The petitioner seeks to make divers complaints against the creditor or the transferee of the original creditor. There are complaints regarding sale notices and the like.

3. It is elementary that upon the steps being taken by a secured creditor under Section 13(4) of the Act of 2002, a right inheres in any person aggrieved thereby to approach the appropriate Debts Recovery Tribunal.

4. Since there is an efficacious alternative remedy available to the petitioner and involved questions of fact cannot be adjudicated on affidavit evidence in summary proceedings, the petition is not permitted to be pursued and the petitioner is relegated to the usual remedy available to the petitioner in accordance with law.

5. It is made clear that the merits of the case of the petitioner have not been gone into in this writ petition. W.P.No.1020 of 2021 is dismissed. There will be no order as to costs. As a consequence, WMP No.1121 of 2021 is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Authorised Officer,
Fullerton India Credit Company India
Old No.307, New No.165 Megh Towers
Poonamallee High Road
Maduravoyal
Chennai 600 095

AKM/26.2.21 /2P-2C/

सत्यमेव जयते

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