

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.3248 of 2021

M/s.SPRK Agencies,
rep. by its Partners SPRM Ramasamy,
No.799E, Mettupalayam Road,
RR Layout, RS Puram,
Coimbatore - 641 002. ... Petitioner

Vs

1.The District Collector cum District Magistrate,
Office of the Collectorate,
Coimbatore.

2.Standard Chartered Bank,
Commercial Client Office at
509, Red Rose Plaza,
D.B. Road, R. S. Puram,
Coimbatore - 641 002
rep. by its Authorized Officer E.Rajendran. .. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Certiorarified Mandamus calling for
the records relating to the proceedings dated 27.1.2021 in Ref.
No.24115/2020/E3 of the 1st respondent and to quash the same as
the impugned order is being passed without jurisdiction and
consequently direct the 2nd respondent bank to file the necessary
application before concerned DRT under the relevant provisions
of law for recovering the outstanding dues of them from the
petitioner.

For Petitioner

: Mr.S.Nagarajan

For Respondents

: Mr.K.S.Suresh

Government Advocate
for respondent No.1

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks to question the propriety of an order dated January 27, 2021 passed by the District Magistrate, Coimbatore on a request by the second respondent secured creditor under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. It is evident from the order that the relevant secured creditor has taken measures under Section 13(4) of the Act of 2002. It is elementary that upon a secured creditor taking steps under Section 13(4) of the Act, any person aggrieved thereby is entitled to carry a grievance under Section 17 of the said Act before the appropriate Debts Recovery Tribunal.

3. Since there is an efficacious alternative remedy available to the writ petitioner herein and any adjudication as to the rights of the writ petitioner and the secured creditor would involve disputed questions of fact that may not be conveniently addressed on affidavit evidence in summary proceedings, the writ petition is not entertained and the writ petitioner is left free to pursue the writ petitioner's remedy in accordance with law.

4. W.P.No.3248 of 2021 is dismissed. There will be no order as to costs.

Leave is given to advocate for the petitioner to obtain the certified copy of the order impugned. A photo-copy of the relevant order should be kept with the papers.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To:

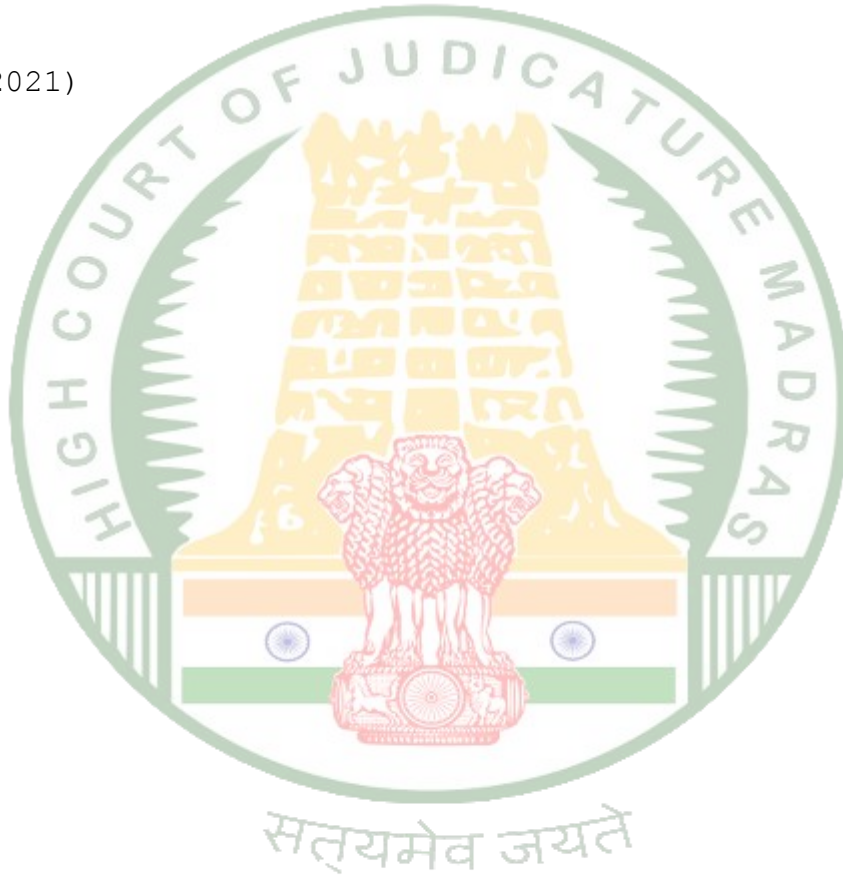
1.The District Collector cum District Magistrate,
Office of the Collectorate,
Coimbatore.

2.The Authorized Officer,
Standard Chartered Bank,
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509, Red Rose Plaza,
D.B. Road, R. S. Puram,
Coimbatore - 641 002.

+1cc to Mr.S.Nagarajan, Advocate, S.R.No. 9007
+1cc to the Government Pleader, S.R.No. 8989

W.P.No.3248 of 2021

AD(CO)
GN(26/02/2021)



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