

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.3924 of 2021

K.Kayalvizhi

Petitioner

Vs.

1. The Authorised Officer
M/s. Canara Bank
Tirupur Overseas Branch
70/74 JG Nagar II Street
60 Feet Road
Tirupur District 641 602.

2. K.Sathishkumar
Proprietor M/s.Aacharya Knit Garments

3. K.Kalaiselvan

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent not to take any coercive steps pending application in I.A.No.245 of 2021 in S.A.No.77 of 2021 on the file of the Debts Recovery Tribunal, Coimbatore.

For Petitioner :: Mr.Senthil Kumar

For Mr.B.Kumarasamy

ORDER

(made by the Hon'ble Chief Justice)

This petition is an abuse of the process of Court. To make matters worse, the alleged death of one of the friendly respondents is cited to keep the matter pending in Court so that undue advantage may be drawn.

2. The prayers in the petition pertain to the dues of the respondent bank and this is nothing but an attempt to keep the bank at bay and thwart the bank's demand to realize its dues. In any event, it is evident that the appropriate Debts Recovery Tribunal has already been approached. In such circumstances, there is no justification to come to this Court with the present

petition.

3. Since there is an efficacious alternative remedy available to the petitioner and such forum has already been approached, W.P.No.3924 of 2021 is not entertained. The merits of the matter have not been gone into. But the petitioner will pay costs assessed at Rs.10,000/- (Rupees Ten Thousand only) to the respondent bank, which the respondent bank will be entitled to realize in course of its pending proceedings.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Authorised Officer
M/s. Canara Bank
Tirupur Overseas Branch
70/74 JG Nagar II Street
60 Feet Road
Tirupur District 641 602.

- 2.The Registrar,
Debts Recovery Tribunal,
Coimbatore.

+lcc to Mr.B.Kumarasamy, Advocate SR.10703

W.P.No.3924 of 2021

SV(CO)
CB(05/03/2021)

सत्यमेव जयते

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