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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.6016 of 2021

M.J.Jaison

.. Petitioner

Vs

The Authorised Officer,
State Bank of India,
Asset Recovery Management Branch,
1st Floor, Balavinayagar Buildings,
4/1, Eldams Road, Alwarpet,
Chennai - 600 018.

.. Respondent

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to "crystallize the debt" relating to the Sec 13(2) Demand Notice dated 11.04.2018 issued and offer settlement as per the directions of this Hon'ble Court and to hand over the property documents on paying the same immediately within a short period of time.

For the Petitioner : Mr.T.Senthil Kumaran

For the Respondent : Ms.S.R.Sumathy

ORDER

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

No ground is made out for the petitioner to have invoked this extraordinary jurisdiction upon the petitioner's failure to repay the debt due to the respondent secured creditor.

2. The secured creditor is represented and says that the



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petitioner has carried a petition under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to the appropriate Debts Recovery Tribunal and the matter was called on even yesterday.

3. It is evident that this petition has been filed with ulterior motive and for oblique purpose. The petitioner has been dodging appearance in this court since or about the beginning of March, 2021. The petitioner was not represented on March 11, 2021, then again on June 17, 2021 and July 15, 2021. The petitioner was represented on August 26, 2021, when notice was issued.

4. When the petitioner has already approached the appropriate Debts Recovery Tribunal under Section 17 of the Act complaining of the measures taken by the secured creditor under Section 13(4) of the Act, the petitioner could not have approached this court simultaneously.

5. W.P.No.6016 of 2021 is dismissed. This order will not affect the petitioner's rights to pursue the petition under Section 17 of the Act before the appropriate tribunal. The petitioner will pay costs assessed at Rs.5,000/- to the bank which the bank will be entitled to realise in course of its claim. W.M.P.No.6668 of 2021 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

The Authorised Officer,
State Bank of India,
Asset Recovery Management Branch,
1st Floor, Balavinayagar Buildings,
4/1, Eldams Road, Alwarpet,
Chennai - 600 018.

W.P.No.6016 of 2021

PA(CO)
CT(22/09/2021)