

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7263 of 2021

S.Mathankumar

...Petitioner

Vs

The Authorized Officer
Bank of Baroda
Stressed Asset Recovery Branch
Chennai Metro Region
No. 10 C. P.Ramasamy Road
1st Floor Alwarpet
Chennai - 600 018.

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the Respondent from initiating proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act 2002 or any other law and also forbearing the Respondent from forcibly evicting the Petitioner from the residential at HIG FLAT No. 355 in the Ground Floor of the Block NO. D in free Trade Zone Phase II Tambaram Chennai 600 047 Flat measuring 38.09 sq. mtrs occupied by the Petitioner.

For Petitioner : Ms.Themozhi Shivaperumal

ORDER

(made by the Hon'ble Chief Justice)

The petitioner questions the propriety of a sale notice issued by the respondent secured creditor in exercise of the secured creditor's right to proceed against secured asset under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The petitioner claims that out of a loan of Rs.14 lakh, the petitioner has repaid Rs.8 lakh but in respect of the balance amount, an exaggerated claim of Rs.27 lakh has been made. The petitioner also complains that the reserve price for

the property proposed to be put to sale by the secured creditor has not been arrived at upon due consultation with the petitioner.

3. In view of there being an efficacious alternative remedy available to the petitioner to approach the appropriate Debts Recovery Tribunal under Section 17 of the said Act of 2002 and since disputed questions on accounts cannot be conveniently addressed on affidavit evidence in summary proceedings under Article 226 of the Constitution, the petition is not entertained and the petitioner is left free to pursue his remedies in accordance with law before the appropriate forum.

4. W.P.No.7263 of 2021 is dismissed but without going into the merits thereof. There will be no order as to costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To:

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Stressed Asset Recovery Branch
Chennai Metro Region
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SP(01/04/2021)

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