

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.11878 of 2021
and
W.M.P.Nos.12637 & 12638 of 2021

[Video Conferencing]

P.Kavitha

Petitioner

Versus

- 1.The District Collector / The District Magistrate,
Coimbatore District,
Coimbatore.
 - 2.The Tahsildar,
Coimbatore South,
Coimbatore.
 - 3.The Authorised Officer,
Central Bank of India,
No.15, NSR Road, Saibaba Colony,
Coimbatore - 641 011.
- Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, calling for the records of the 1st respondent by proceedings in Ref.No.21368/2018/E3 dated 03.05.2021 and quash the same.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents: Mrs.A.Srijayanthi
Special Govt. Pleader for R1 & R2

ORDER

- (1) Heard the learned counsel for the petitioner and Mrs.A.Srijayanthi, learned Special Government Pleader accepting notice on behalf of respondents 1 and 2.

- (2) The writ petition had been filed to call for the records

of the 1st respondent in proceedings Ref.No.21368/2018/E3 dated 03.05.2021. The said proceedings had been passed by the District Collector and District Magistrate, in Coimbatore under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI Act], on a petition filed under Section 14 by the Authorised Officer of the Central Bank of India against the petitioner herein.

- (3) After examining the facts in detail, an order has been passed directing taking physical possession by the Authorised Officer and further directing the Tahsildar, to hand over the possession of the said property.
- (4) The grievance expressed by the learned counsel for the petitioner is that one week time was granted for such handing over of the possession. The learned counsel further stated that an appeal provision is there and that 45 days time has been granted in preferring the appeal.
- (5) In view of the fact that since there is an alternate remedy, it would be appropriate for the petitioner to approach the Appellate Forum. Time is granted for filing / preferring an appeal on or before 18.06.2021. Till then, no coercive action shall be taken. If the appeal is not preferred within the time specified by this Court, the order dated 03.05.2021 may be put into effect.
- (6) The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AP
To:

- 1.The District Collector / The District Magistrate,
Coimbatore District,
Coimbatore.
- 2.The Tahsildar,
Coimbatore South,
Coimbatore.
- 3.The Authorised Officer,
Central Bank of India,
No.15, NSR Road, Saibaba Colony,
Coimbatore - 641 011.

+1cc to Mr.P.Saravana Sowmiya Associates,Advocate SR.No. 27226
+1 cc to Government Pleader Sr.No. 27238

W.P.No.11878 of 2021

A.SK(19.05.2021)

<https://hcservices.ecourts.gov.in/hcservices/>