

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14232 of 2020

V.S.Yuvrajjayakumar

Petitioner

Vs.

1. The Director General of Police
Dr. Radhakrishnan Road
Mylapore
Chennai 600 004.

2. The District Collector
Tiruvallore District
Tiruvallore.

3. The Superintendent of Police
Tiruvallore District
Tiruvallore.

4. The Inspector of Police
Taluk Police Station
Tiruvallore.

5. The Branch Manager
State Bank of India
Stressed Recovery Branch
Red Cross Building
No.32, Montieth Road
Egmore, Chennai 600 008.

6. C.Venkatesan

7. Sarala

...

Respondents

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Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the third and fourth respondent or by appointing any other officer to take immediate steps on petitioner complaint dated 09.08.2020 submitted to the third respondent and to restore our possession with the property bearing door No.29, Vallal MS Jaffar Nagar, Karani, Kadambattur, Tiruvallore District, from the sixth and seventh respondents.

For Petitioner : Mr.M.Prabakar

For Respondents : Mr.V.Jayaprakash Narayanan
State Govt. Pleader
for respondents 1 to 4

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J)

The petitioner seeks a direction to the Superintendent of Police and the Inspector of Police to take action on his complaints and to restore the possession of the property bearing Road No.29, Vallal M.S.Jaffar Nagar, Karani, Kadambathur, Tiruvallur District.

2. Upon perusal of the affidavit, it is evident that proceedings had been initiated by the State Bank of India, the fifth respondent herein, under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act), pursuant to which a Sale Certificate was issued in favour of the sixth respondent. The petitioner seeks to indirectly assail the Sale Certificate through this proceeding instead of taking recourse to the statutory remedy under the SARFAESI Act.

3. Learned Government Pleader submits that the complaints of the petitioner were closed on the basis that it is a civil dispute and therefore, the police cannot exercise jurisdiction on the same.

4. It is elementary that when there is an efficacious alternative statutory remedy, this Court would not ordinarily exercise discretionary jurisdiction. On the facts of this case, there is no reason to exercise discretionary jurisdiction given that the petitioner has chosen to approach this Court instead of availing the statutory remedy before the appropriate Debts Recovery Tribunal.

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5. Accordingly, W.P.No.14232 of 2020 is dismissed. However, the dismissal of the writ petition shall not prejudice the rights of the petitioner to avail remedies in accordance with law before the appropriate Debts Recovery Tribunal. There shall be no order as to costs. Consequently, WMP No.17704 of 2020 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Director General of Police
Dr. Radhakrishnan Road
Mylapore, Chennai 600 004.
2. The District Collector
Tiruvallore District, Tiruvallore.
3. The Superintendent of Police
Tiruvallore District, Tiruvallore.
4. The Inspector of Police
Taluk Police Station, Tiruvallore.

+lcc to the Government Pleader SR.7326

W.P.No. 14232 of 2020

MG(CO)
CB(22/02/2021)

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