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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

C.R.P.NO.1577 OF 2021  
AND  
C.M.P.NO.12274 OF 2021

G.Moorthi

... Petitioner

.Vs.

1. State Bank of India,  
Rep. by its Asst. General Manager,  
Stressed Assets Management Branch,  
Red Cross Building, Montieth Road,  
Egmore, Chennai - 600 008.
2. M/s.Pointred Telecom Limited  
Rep. by its Directors,  
No.1, Dr.Ranga Road,  
2<sup>nd</sup> Street, Alwarpet,  
Chennai 600 018.
3. R.Vijayakumar
4. R.Ramumar
5. Gemini Communication Ltd.  
Rep. by its Liquidator S.Kasi Viswanathan  
No.8, Mahalakshmi Layout,  
Subramniampalayam Road,  
G.N.Mills Post, Coimbatore - 641 029,  
presently Mr.M.S.Vishwanathan  
15/35, Muzafar Jung Bahadur Street,  
Triplicane, Chennai - 600 005.
6. The Recovery Officer,  
Debt Recovery Tribunal-1,  
Chennai - 600 002.

... Respondents



PRAYER:-

Petition filed under Article 227 of the Constitution of India to set aside the order made in C.P.No.5 of 2021 in DRC 160/2015 dated 05.07.2021 on the file of the Recovery Officer, Debts Recovery Tribunal-1, Chennai.

For Petitioner : Mr.P.S.Raman  
Senior Counsel  
For Mr.V.Chandraprabu

For Respondents : Mr.M.L.Ganesh  
For R-1

#### ORDER

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

The petition is directed against an order dated July 5, 2021 passed by a Recovery Officer of the Debts Recovery Tribunal-1, Chennai dismissing the petitioner's application by which the petitioner asserted rights over an immovable property and purported to contend that respondent State Bank of India could not exercise a higher right than the petitioner's in respect of the property despite obtaining an order of attachment in the proceedings under Section 19 of the Recovery of Debts and Bankruptcy Act, 1993.

2. Section 30 of the said Act permits an appeal to be carried from any order passed by Recovery officer.

3. In this case, there is no clear jurisdictional error which is apparent from the face of the order for this court to receive the present petition ahead of the ordinary remedy available against the order impugned to the petitioner.

4. Accordingly, since there is an efficacious alternative remedy available to the petitioner under Section 30 of the Act, the present petition is not entertained and the same is dismissed without going into the merits thereof.

5. The original copy of the order impugned will be returned to advocate for the petitioner upon a photocopy thereof being kept as part of the records.



There will be no order as to costs. Consequently,  
C.M.P.No.12274 of 2021 is closed.

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Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1. The Assistant General Manager,  
State Bank of India,  
Stressed Assets Management Branch ,  
Red Cross Building,  
Montieth Road, Egmore,  
Chennai - 600 008.
2. The Recovery Officer,  
Debt Recovery Tribunal-1,  
Chennai - 600 002.

Copy To:

The Section Officer,  
E.R. Section,  
High Court,  
Madras - 104. (For Original Impugned Order Return)

+1cc to Mr.V.Chandraprabu, Advocate, S.R.No.41264

C.R.P.NO.1577 OF 2021

VSN-II (CO)  
PBS/23/08/2021