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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM :

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

W.P.No.16495 of 2021

Jothiramalingam

...Petitioner

Vs

The Authorised Officer
UCO Bank Udumalpet Branch Plot No. 67
Kalyani Nagar CM Tower Lodge Building
Udumalpettai 642 116

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondent from taking any coercive action of taking physical possession of property of the petitioner in the guise of implementing SARFAESI measures during the pendency of the SARFAESI Appeal before the Debts Recovery Tribunal, Coimbatore in S.A. No. 151 of 2020 and S.A.No. 413 of 2021.

For Petitioner : Mr.N.Krishna Kumar

ORDER

(Made by the Hon'ble Chief Justice)

This is another utterly misconceived petition by an apparent defaulter seeking to dodge repayment to the bank.

2. The case made out by the petitioner is that he has approached the jurisdictional Debts Recovery Tribunal by filing S.A.No.151 of 2020 and S.A.No.413 of 2021 in Coimbatore. The prayer in the petition is for restraining the respondent secured creditor from taking any coercive action in respect of, or physical possession of, the secured asset merely because the proceedings are pending before the DRT.



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3. It is completely unacceptable that a prayer for an interim order would be made by way of a petition under Article 226 of the Constitution without making such prayer before the forum where the parent proceedings are pending. It is equally impermissible for a writ petition to be filed upon the jurisdictional DRT declining an interim order.

4. Since the petitioner claims that there are matters instituted by the petitioner pertaining to the transaction with the respondent secured creditor before the DRT in Coimbatore, the remedy of the petitioner lies before such forum or before any forum which may be entitled to receive appeals from the orders of the DRT. The Writ Court, in such circumstances, will not come to the aid of the petitioner.

W.P.No.16495 of 2021 is dismissed. There will be no order as to costs. Consequently, W.M.P.No.17464 of 2021 is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

sra

To

The Authorised Officer,
UCO Bank Udumalpet Branch, Plot No. 67,
Kalyani Nagar CM Tower Lodge Building,
Udumalpettai 642 116.

Copy to

The Debts Recovery Appellate Tribunal, Coimbatore.

+1cc to Mr.N.Krishna Kumar, Advocate SR.No.39254

W.P.No.16495 of 2021

RLD(CO)
RVM(12/08/2021)