



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.17534 of 2021

S.Samdani

...Petitioner

Vs

1 Catholic Syrian Bank Ltd
rep. by its Manager
Tiruvallur Branch
Tiruvallur District
Tamil Nadu - 602 001.

2 The Recovery Officer
Debts Recovery Tribunal III, Chennai
5th Floor, Dewa Towers
770-A, Anna Salai
Chennai - 600 002.

3 L.Madura

...Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records on the file of the second respondent in D.R.C.No.175 of 2014, dated 25.8.2014 in O.A.No.77 of 2012 and e-auction held on 30.06.2021 in D.R.C.No.175 of 2014 by the second respondent and quash the same.

For the Petitioner : Mr.B.Balaji

For the Respondents : Ms.S.R.Sumathi
for 1st respondent

ORDER

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

The prayer in the petition is for quashing an order dated August 25, 2014 passed in D.R.C.No.175 of 2014 by the Recovery



Officer of the Debts Recovery Officer-III, Chennai along with the order passed while conducting an e-auction by the same official on June 30, 2021 in D.R.C. No.175 of 2014.

2. For a start, no good ground is made out as to why a belated challenge to an order passed in August, 2014 must be received now. More importantly, any order passed by a Recovery Officer under the Recovery of Debts and Bankruptcy Act, 1993 is amenable to appeal before the tribunal itself in terms of Section 30 of the Act of 1993.

3. Accordingly, since there is an efficacious alternative remedy available to the petitioner, W.P.No.17534 of 2021 is not entertained and the petitioner is left free to pursue such remedy before the appropriate forum in accordance with law.

W.M.P.No.18636 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

sasi

To:

1. The Manager
Catholic Syrian Bank Ltd
Tiruvallur Branch
Tiruvallur District
Tamil Nadu - 602 001.
2. The Recovery Officer
Debts Recovery Tribunal III, Chennai
5th Floor, Dewa Towers
770-A, Anna Salai
Chennai - 600 002.

+2ccs to Mr.V.Karunakar, Advocate SR.No.45065

W.P.No.17534 of 2021

JP(CO)
SU(16/09/2021)