

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14579 of 2020

and WMP.Nos.18078 to 18080 of 2020

Renuka Bhojani

... Petitioner

-vs-

1.The Indian Overseas Bank,
rep. by its Managing Director and
Chief Executive Officer,
No.763, Anna Salai,
Chennai - 600 002.

2.The Indian Overseas Bank,
rep. by its Authorized Officer,
Dr.Nanjappa Road Branch,
Coimbatore - 641 018.

3.R.Kumaravelu,
Managing Partner,
M/s.Aqua Sub Engineering
and M/s.Focus Marketing,
Thudiyalur Post,
Mettupalayam Road,
Coimbatore - 34.

.. Respondents

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Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st and 2nd respondents to proceed against the primary security namely the property comprised in SF No.333/1B, No.2, Kalapanaickenpalayam Road, Somayampalayam village, Coimbatore-641 108 measuring to an extent of 25.41 cents together with factory building measuring about 14,000 sq. ft. in respect of the loan borrowed by JB Conductors represented by its

proprietrix Renuka Bojhani pertaining to CC Account No.041902000001237 being maintained with the 2nd respondent.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mr.Benjamin George
for respondent Nos.1 and 2

ORDER

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

This is another matter carried to the Writ Court by a debtor facing measures taken under Section 13(4) of the the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The writ petitioner also says that the writ petitioner has invoked the jurisdiction of appropriate Debts Recovery Tribunal in respect of some other transaction.

2. Once measures are taken under Section 13(4) of the Act of 2002, any person aggrieved thereby may approach the appropriate Debts Recovery Tribunal in accordance with Section 17 of the Act of 2002. Since there is an efficacious alternative remedy available to the petitioner and since matters pertaining to the dispute between the debtors and secured creditors involve disputed questions of fact that cannot be conveniently addressed in summary proceedings, the writ petition is not entertained and the writ petitioner is left free to work out his remedies in accordance with law.

3. W.P.No.14579 of 2020 is dismissed. There will be no order as to costs. Consequently, W.M.P.Nos.18078 to 18080 of 2020 are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

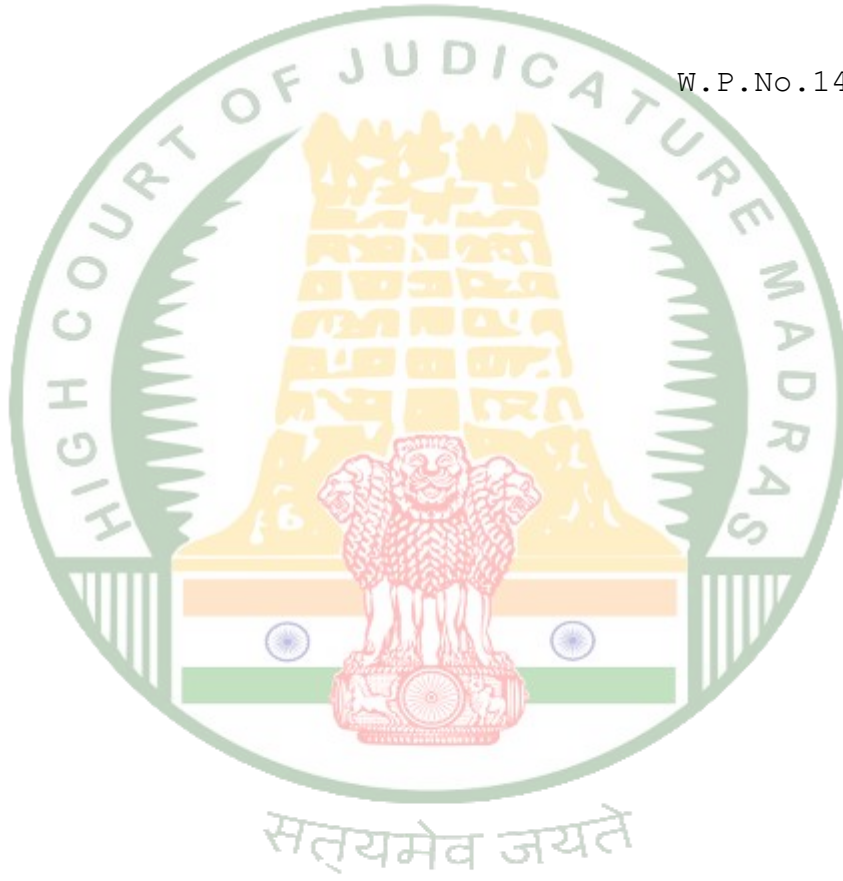
1.The Managing Director and Chief Executive Officer,
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No.763, Anna Salai,
Chennai - 600 002.

2.The Authorized Officer,
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+1cc to Mr.FB. BENJAMIN GEORGE, Advocate, S.R.No.8238

AJS (CO)
SM/01/03/2021

W.P.No.14579 of 2020



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