



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.18721 OF 2021

M/s.Techno Builder
Rep by its Managing Partner
M.A.Jahangir

... Petitioner

Vs

1 The District Collector
Chennai-600001

2 The Thasildhar
Maduravoyal
Maduravoyal Taluk
Chennai-600037

3 The General Manager
ARM Branch-Canara Bank
563/1 Annasalai
Teynampet Chennai-600018

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the Respondent 2 from proceeding with the taking possession property till pending disposal Appeal in A.S.No.281 of 2019 before DRT - II Chennai consequently direct the 3rd respondent to consider our representation dated 13.7.2021 for one time settlement.

For the Petitioner : Mr.R.K.Ramaiah

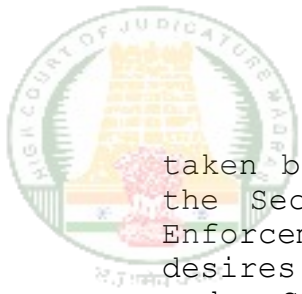
For the Respondent : Mr.P.Muthukumar,
State Government Pleader
for respondents 1 and 2

ORDER

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

The petition is utterly misconceived and a complete waste of time.

2. The petitioner has carried a grievance to the jurisdictional Debts Recovery Tribunal complaining of the steps



taken by the respondent secured creditor under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner now desires that pending the disposal of the petitioner's matter under Section 17 of the Act of 2002, this Court should restrain the secured creditor from taking further steps in respect of the secured asset. The petitioner says that there are tenants and that the loan was obtained in the year 2004 and a substantial part thereof has been repaid.

3. Since the petitioner has carried the grievance under Section 17 of the Act to the relevant Debts Recovery Tribunal, the prayer for stay should be made before such forum and this extraordinary jurisdiction under Article 226 of the Constitution could not have been invoked. As to the petitioner's wish that this Court should direct the secured creditor to offer a one-time settlement proposal to the petitioner, the same cannot be countenanced since the court, even in its extraordinary jurisdiction, cannot force a banker to offer a settlement proposal to its constituent.

4. Whether or not there are tenants at the premises and whether or not such tenants deserve protection would be matters that ought to be considered by the relevant Debts Recovery Tribunal in course of the proceedings pending before such forum.

5. W.P.No.18721 of 2021 is dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tar
To:

1 The District Collector, Chennai-600001

2 The Thasildhar, Maduravoyal
Maduravoyal Taluk
Chennai-600037

Copy To
The Debts Recovery Tribunal-II, Chennai.

+1cc to Mr.R.K.Ramaiah, Advocate, S.R.No.44991

W.P.No.18721 of 2021

SRA(CO)
PM/14/09/2021