



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.17664 of 2021

and

W.M.P.Nos.18828, 18821 and 18830 of 2021

S.Selvi

.. Petitioner

Vs.

1. The Presiding Officer,
Hon'ble Debts Recovery Tribunal,
Coimbatore.
2. The Authorised Officer,
Grihashakthi Fullerton India Home
Finance Co. Ltd., No.179,
Krishnaswamy Mudaliyar Road,
R.S.Puram, Opposite to Brooke Field Mall,
Coimbatore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in O.A. No. 403 of 2021 dated 26.07.2021 and quash the same as illegal arbitrary, consequently directing the 2nd respondent to permit petitioner to redeem the property situated at Site No.7, T.Block South Row, Venkatasamy Road West, R.S. Puram, New T.S. No. 8/304, Old T.S. No. 8/134/1, Ward No. 13, Coimbatore Municipality, Coimbatore Taluk, Coimbatore Joint Sub-Registration District, Coimbatore District within stipulated time.

For the Petitioner : Mr.M.Dinesh



ORDER

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

Though learned advocate appearing for the petitioner is facing audio problems, it is evident that the present petition is directed against an order dated July 26, 2021 passed by the Debts Recovery Tribunal, Coimbatore on a petition under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The petitioner herein challenged a possession notice dated June 26, 2021 and has been required by the DRT to make a deposit of a sum of Rs.60 lakh in two tranches of Rs.30 lakh each on August 23, 2021 and September 20, 2021 to be entitled to an order staying the possession notice.

3. The total dues of the secured creditor was noticed by the DRT to be in excess of Rs.1.73 crore.

4. There is no room for the present petition to be received, particularly since the petitioner is entitled to carry an appeal to the Debt Recovery Appellate Tribunal upon being aggrieved by any order passed by the DRT.

5. Accordingly, since there is an efficacious alternative remedy available to the petitioner, W.P.No.17664 of 2021 is not entertained and the same is dismissed. The petitioner is left free to pursue such appellate remedy in accordance with law. W.M.P.Nos.18821, 18828 and 18830 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

sra

To:

1. The Presiding Officer,
Hon'ble Debts Recovery Tribunal,
Coimbatore.

W.P.No.17664 of 2021

NRJK(CO)
SU(03/09/2021)