



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.22182 of 2021

R.Sundaresh

.. Petitioner

Vs

1. The Authorized Officer,
CANARA Bank,
No.166, ARM Branch,
Thiruvankatasamy Road West,
Coimbatore - 641 002.

2. M.Jothimani

3. M.Bharath

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus direct to the first respondent to take physical possession and hand over to the petitioner as time framed by this Hon'ble Court.

For the Petitioner : Mr.G.Rajesh

ORDER

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

The petitioner claims to have purchased a property at an auction conducted by the first respondent secured creditor under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The immediate grievance of the petitioner is that despite the petitioner having paid due consideration for purchase of the property, no steps have been taken by the first



respondent to make over physical possession of the immovable property to the petitioner.

3. What the petitioner complains of is the failure on the part of the first respondent to complete the transaction in terms of a measure taken by the secured creditor under Section 13(4) of the said Act. Section 17 of the said Act permits any person aggrieved by any measure taken by a secured creditor under Section 13(4) of the Act to approach the jurisdictional Debts Recovery Tribunal with the grievance.

4. Since there is an efficacious alternative remedy available to the petitioner by carrying a complaint to the appropriate Debts Recovery Tribunal, the jurisdiction under Article 226 of the Constitution of India should not have been invoked.

5. Accordingly, W.P.No.22182 of 2021 is disposed of by leaving the petitioner free to approach the appropriate Debts Recovery Tribunal in accordance with law.

There will be no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Authorized Officer,
CANARA Bank,
No.166, ARM Branch,
Thiruvankatasamy Road West,
Coimbatore - 641 002.

W.P.No.22182 of 2021

MG (CO)
SU(02/11/2021)