



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.22146 of 2021

R.V.Dinesh

..Petitioner

vs.

The Authorized Officer,
Lakshmi Vilas Bank,
Regional Office, Platinum Jubilee Building,
No.68, Oppanakkara Street,
Coimbatore - 641 001.

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration by declaring the respondent is not entitled to invoke the provisions of SARFEASI Act in so far as the property comprised in SF.No.100/2 at Seelanaickenpattia Village, Salem District to an extent of 62 cents covered by the notice issued by the respondent dated 03.01.2018 under Section 13(2) of SARFEASI Act.

For the Petitioner : Mr.R.Nalliyappan

ORDER

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

The grievance of the petitioner is that the respondent secured creditor is purporting to proceed against an agricultural property though the law prohibits such property to be sold as security.

2. It is not necessary to go into the merits of the matter since it is evident that the respondent secured creditor has taken a measure under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Section 17 of the Act permits any person aggrieved by any action taken by a secured creditor, as defined in the said Act, under Section 13(4) of the Act, to apply to the jurisdictional Debts Recovery Tribunal with the grievance.



4. Since there is a statutory remedy available to the petitioner and any person aggrieved by any measure adopted by a secured creditor under Section 13(4) of the Act may apply before the jurisdictional Debts Recovery Tribunal in such regard, W.P.No.22146 of 2021 is not entertained. It will be open to the petitioner to approach the appropriate tribunal in accordance with law.

W.M.P.No.23379 of 2021 is closed. There will be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

The Authorized Officer,
Lakshmi Vilas Bank,
Regional Office, Platinum Jubilee Building,
No.68, Oppanakkara Street,
Coimbatore - 641 001.

W.P.No.22146 of 2021

SVI (CO)
SP(10/11/2021)