



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

WP No.23989 of 2021

and WMP Nos.25300, 25302 and 25303 of 2021

S.Anbarasan

.. Petitioner

Vs.

1. The Registrar,
Debts Recovery Tribunal- I, Chennai.

2. The State Bank of India
Rep by its Chief Manager,
Stressed Asset Recovery Branch,
Red Cross Buildings, No.32, Montieth Road,
Egmore, Chennai- 600 008.

3. M/s.ANS Industries
Rep by its Managing Partner, Mr.S.Anbarasan,

4. A.Rajakumari

5. S.Navaneetham

6. S.T.Palanisamy

7. A.Anna Durai

8. Tamil selvi

9. Thennarasi

10. Arivarasan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records in order passed by the Honourable Debt Recovery Tribunal- I Chennai in T.A. 86/ 2019 dated 31.08.2021 and quash the same as illegal incompetent without Jurisdiction contradictory to itself.

For the Petitioner : Mr.S.Anbarasan
Party-in-person



ORDER

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

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The petitioner seeks to question the propriety of an order dated August 31, 2021 passed by the Debts Recovery Tribunal-I, Chennai.

2. By the relevant order, the respondent secured creditor's petition was allowed and a recovery certificate was issued under which the secured creditor is entitled to recover a total sum of Rs.1,94,01,972.88 in respect of several accounts together with future interest at the rate of ten per cent simple. The order made it clear that the respondent Nos.7 to 9, including the petitioner herein, "are liable to pay the said amount from and out of the estate inherited by them from the deceased father A.K.Swaminathan and that they are not personally liable."

3. Since the relevant order is appellable under Section 20 of the Recovery of Debts and Bankruptcy Act, 1993, the remedy of the petitioner lies before the Debts Recovery Appellate Tribunal.

4. In view of the fact that there is an efficacious alternative remedy available to the petitioner, the present petition is not entertained.

Writ petition No.23989 of 2021 is dismissed. WMP Nos.25300, 25302 and 25303 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Registrar,
Debts Recovery Tribunal- I, Chennai.



2. The Chief Manager,
State Bank of India
Stressed Asset Recovery Branch,
Red Cross Buildings, No.32, Montieth Road,
Egmore, Chennai- 600 008.

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WP No.23989 of 2021

EV (CO)
K.RK. (17.11.2021)