



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

WP No.24402 of 2021
and WMP Nos.25715 and 25716 of 2021

M/s.K.R & Co.,
Rep. by its Partner, A.Sankar,
Door No.1/309, Mettur Main Road,
Kuthiraikalmedu, Kuruchi Village,
Bhavani Taluk, Erode District 638 314. ..Petitioner

Vs.

The Authorized Officer,
Canara Bank, Bhavani Branch,
Rajalakshmi Complex,
NH 47, Main Road, Near New Bus Stand,
Bhavani 638 301. ..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records in Criminal M.P.No.4919 of 2020 dated 12.10.2020 and quash the impugned proceedings dated 12.10.2020 passed by the Chief Judicial Magistrate, Erode therein.

For the Petitioner : Mr.B.Raveendran
For the Respondent : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

ORDER

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

The writ petition is completely misconceived as it seeks to assail an order dated October 12, 2020 passed by the Chief Judicial Magistrate, Erode pursuant to a request made by the respondent secured creditor under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



2. In course of the oral submission, it is suggested that a substantial part of the debt due from the petitioning borrower to the respondent secured creditor has been discharged and that the asset furnished by way of security should no longer be attempted to be sold in such circumstances. It also appears from the submission that the petitioner herein has challenged the measures taken by the secured creditor under Section 13(4) of the Act in proceedings before the jurisdictional Debts Recovery Tribunal.

3. Ordinarily, the administrative assistance provided by an authority approached under Section 14 of the said Act cannot be questioned unless the extent of assistance is grossly disproportionate or unreasonable or manifestly erroneous. Indeed, it is the action taken by a secured creditor that can be questioned and the procedure therefor is to invoke Section 17 of the Act, which the petitioning borrower in this case has already done.

4. Accordingly, the relief that the petitioner seeks has to be canvassed before the DRT in receipt of the petitioner's proceedings and not by way of this belated challenge to the order passed on the request under Section 14 of the Act.

WP No.24402 of 2021 is dismissed. WMP Nos.25715 and 25716 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 Authorized Officer,
Canara Bank, Bhavani Branch,
Rajalakshmi Complex,
NH 47, Main Road, Near New Bus Stand,
Bhavani 638 301.

2.The Chief Judicial Magistrate,
Erode.

+1cc to M/s.T.S.Gopalan & Co, Sr No.58407

WP No.24402 of 2021

RLD (CO)
PR (24/11/2021)