



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. THARANI

WP(MD)No.6280 of 2021

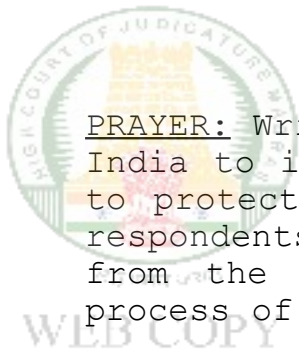
Muneeshwari

... Petitioner

Vs.

- 1.The Union of India,
The Prl. Secretary, Ministry of Finance,
Financial Section, Jeevan Deep Building,
Parliament Street, New Delhi.
- 2.The Principal Secretary to Government,
State of Tamil Nadu, Home,
Prohibition and Excise Department,
Fort St. George, Chennai- 600 009.
- 3.The Director General of Police,
O/o. the Director General of Police,
Dr.Rathakrishnan Road, Chennai.
- 4.The Commissioner of Police,
Madurai City.
- 5.The Inspector of Police,
C5, Karimedu Police Station,
Madurai- 625016.
- 6.The Regional Director,
Reserve Bank of India,
16, Rajaji Salai, Fort Glacis,
Chennai- 600 001.
- 7.The Deputy General Manager,
Regional Office Canara Bank,
118v, 4th Floor, West Perumal Mesthri Street,
Madurai.
- 8.The Branch Manager,
Canara Bank, Thirunagar Branch,
Poonga Street, Madurai.
- 9.The M.N. Ramdass Moorthy
Authorised Officer, Canara Bank,
Thirunagar Branch, Poonga Street,
Madurai.
- 10.Chandrasekaran

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, to direct the respondents 4 to 7 to protect the petitioner from the harassment of the Hench men of respondents 8 and 9 and from the forceful removing of the petitioner from the petitioners dwelling house, without following the due process of law.

For Petitioner	: Mr.S.Ramesh Kumar
For Respondents 2 to 5	: Mr.S.Chandrasekar
	Additional Public Prosecutor
For R1	: Mr.V.J.Kumaravel
For Respondents 7 to 9	: Mr.VS.Karthi

O R D E R

By consent, this Writ Petition is taken for final hearing.

2. On the side of the petitioner, it is stated that the petitioner is a lessee and the respondents are harassing the petitioner with a motive to vacate the premises. The right of the petitioner is affected.

3. On the side of the respondents, it is stated that this Court is not having power to entertain this petition under the SARFAESI Act. On the side of the respondents, it is further stated that the remedy available to the petitioner is only before the Debt and Recovery Tribunal (DRT Court) and not before this Court and the petition under Article 226 of the Constitution of India is not applicable for this case.

4. It is seen that the issue involved is under the SARFAESI Act. The Hon'ble Supreme Court has already given direction not to entertain cases under the SARFAESI Act, in a writ petition. Hence, this Writ Petition is closed. The petitioner is at liberty to approach the proper Forum. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Principal Secretary to Government,
State of Tamil Nadu, Home,
Prohibition and Excise Department,
Fort St. George, Chennai- 600 009.
- 2.The Director General of Police,
O/o. the Director General of Police,
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- 3.The Commissioner of Police,
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- 4.The Inspector of Police,
C5, Karimedu Police Station,
Madurai- 625016.
- 5.The Union of India,
The Prl. Secretary, Ministry of Finance,
Financial Section, Jeevan Deep Building,
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Poonga Street, Madurai.

+1 CC to M/s.V.J.KUMARAVEL (SR-12864[F] dated 22/03/2021)

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-13148[F] dated 23/03/2021)

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AC (CO)
KB(15.04.2021) 3P 11C