



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.9499 of 2021

and W.M.P. (MD) No.7235 of 2021

(Through Video Conferencing)

Sri Venkateswara Oxygen (P) ltd.,
Rep. by its Managing Director,
SF No.485 Vadakku Thottam
Idigari Village, Annur Taluk
Idigari
Coimbatore

: Petitioner

Vs.

1.The Regional Manager,
Tamil Nadu Mercantile Bank Ltd
Tollgate Bus Stop
Trichy Chennai Highways
SKS Commercial Complex, First Floor,
Bikshandarkoil, Tiruchirappalli 621216.

2.The Chief Manager,
Tamilnadu Mercantile Bank Ltd.,
No.43 Kovai Road,
Padma Tower First Floor,
Karur

3.The Authorized Officer,
Tamilnadu Mercantile Bank Ltd.,
Karur Branch
Karur.

4.Jai Bharath Steels : Respondents
Rep by its proprietor

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings dated 11.05.2021 and quash the same, consequently directing the respondents 1 to 3 by permitting the petitioner to take the Portacaryo Oxygen Tank by uninstalling the same at the 4th respondent site at Jai Bharath Steels, S.F.No.468/2, D.No.5/222 Velanchettiur Post, Thethupatti, Aravakkurichi.

For Petitioner :K.Hemakarthikeyan

For Respondents : Mr.N.Dilipkumar

Standing counsel for R1 to R3



ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J)

Heard Mr.K.Hema Karthikeyan, learned counsel for the petitioner and Mr.N.Dilipkumar, learned standing counsel for the respondents 1 to 3.

2. Admittedly, the petitioner is a borrower of various types of loan from the respondent Bank. But the issue as to whether the oxygen tank is a secured asset cannot be adjudicated in a writ petition. Moreover earlier in respect of the same asset, a person had approached this Court stating that he is a lessee and filed a writ petition seeking a direction to remove the machinery, manufacturing goods etc., which was rejected. Therefore, if the petitioner is aggrieved, it is always open to the petitioner to approach the Debts Recovery Tribunal and the writ petition is held to be not maintainable. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-18862[F] dated 07/06/2021)

Order made in
W.P. (MD)No.9499 of 2021

Dated: 04.06.2021

CN(16.06.2021) 2P 2C