



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2021

CORAM :

**The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

W.P. (MD)No.10570 of 2021

and

W.M.P. (MD) .Nos.8229 & 8232 of 2021

B.Muthukumar

.. Petitioner

Vs

1. The District Collector,
Trichy District, Trichy.

2. The Authorized Officer,
Indian Overseas Bank,
Thillai Nagar Branch,
15, PLA Complex, 1st Floor,
11th Cross, Thillai Nagar Main Road,
Trichy-620 018.

3. The Senior Manager,
Indian Overseas Bank,
Thillai Nagar Branch,
15, PLA Complex, 1st Floor,
11th Cross, Thillai Nagar Main Road,
Trichy-620 018.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus, to call for the records of the 2nd and 3rd respondents in their proceedings, dated 26.03.2021 and 14.06.2021 and declare that the entire SARFAESI proceedings against the petitioner is illegal and consequently direct the respondents to restore the possession of the petitioner's mortgaged property of Flat No.5/GF-5, Ground Floor, Crescent Park Apartment, Kajamiyan Street, Khaja Nagar, Tiruchirapalli-620 020, within the time stipulated by this Court.

For Petitioner

: Mr.A.Hajamohindeen

For R-1

: Mr.A.K.Manickam,
Standing Counsel
for Government



ORDER

[Order of the Court was made by
THE HON'BLE CHIEF JUSTICE]

This petition is utterly misconceived as it is directed against the measures taken by a secured creditor answering to that description under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2.The grievance of the petitioner is that though a recovery certificate has been obtained from the appropriate Debts Recovery Tribunal by the secured creditor, the secured creditor has taken further measures which are not appropriate.

3.Section 17 of the Act of 2002 permits any person aggrieved to approach the jurisdictional Debts Recovery Tribunal with any grievance pertaining to any measure adopted by a secured creditor under the provisions of the said Act. The remedy of the petitioner lies before the appropriate Debts Recovery Tribunal. The merits of the matter are not gone into and the petitioner is left free to approach the appropriate Debts Recovery Tribunal in accordance with law.

4.W.P.(MD)No.10570 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.(MD)Nos.8229 & 8232 of 2021 are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/TSG

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:

The District Collector,
Trichy District, Trichy.

+2 CC to M/s.N.DILIP KUMAR, Advocate (SR. 20269 &20270[F] dated 25/06/2021)

+1 CC to M/s.SPL GP (SR-20568[F] dated 29/06/2021)

W.P. (MD)No.10570 of 2021

25.06.2021

CN (02.07.2021) 2P 5C

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