



WEB COPY

W.P(MD)NO.16971 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.16971 OF 2019

and

W.M.P(MD)Nos.13539 and 13540 of 2019

R.Aalphin

:Petitioner

.vs.

1. The District Collector,
Office of the District Collector,
Kanyakumari District.
2. The Special Tahsildar(Stamps-II),
(Nodal Office), District Registrar Office,
Marthandam,
Kanniyakumari District.
3. The Authrized Officer/The Chief Manager,
Andhra Bank, Kattakkada Branch,
Ground Floor KP 17/13, Moliyoor Road,
Opp. KSRTC Bus Stand,
Kattakkada, Trivandrum - 695 572.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order of the first respondent passed in Proceeding No.K.Dis.No.C4/8124/2019, dated 1.7.2019 and to quash the same.

For Petitioner	:	Mr.I.Suthakaran for M/s.R.Amardeep
For Respondents 1 and 2	:	Mr.P.Subbaraj Special Govt.Pleader
For Respondent-3	:	Mr.R.Pandivel

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA, J)

This Writ Petition is directed against impugned order passed by the first respondent, dated 01.07.2019 under Section 14(3) of the SARFAESI Act, 2002.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



3. When the matter is taken up for hearing today, the learned counsel appearing for the third respondent/Bank submitted that so far they have not taken possession of the property in question.

4. The learned counsel appearing for the petitioner states that there is no instruction from his client.

5. It is to be noted that the Writ Petition itself is not maintainable, as the order passed under Section 14 of the SARFAESI Act, 2002 has to be challenged only before the Debts Recovery Tribunal. Therefore, it is open to the Petitioner to move the Debts Recovery Tribunal, for appropriate relief, in the manner known to law, if so advised.

6. With the above observation, the Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (A-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn

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 District Collector,
Office of the District Collector,
Kanyakumari District.
2. The Special Tahsildar (Stamps-II),
(Nodal Office), District Registrar Office,
Marthandam, Kanniyakumari District.

+1 CC to M/s.SPL GP (SR-38371[F] dated 13/12/2021)

ORDER MADE IN
W.P (MD) NO.16971 OF 2019 and
W.M.P (MD) Nos.13539 and 13540 of 2019
10.12.2021