



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**W.P(MD)NO.18293 of 2021
and
W.M.P(MD)No.15122 of 2021**

P.Tamilarasu : Petitioner

vs.

The Authorized Officer/
The Assistant General Manager,
Indian Bank,
Trichy Cantonment Branch,
Trichy District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent-Bank to proceed further in the petition filed by them under Section 14 of the SARFAESI Act in Crl.M.P.No.3300/2021, pending adjudication on the file of the Chief Judicial Magistrate Court, Trichy in respect of petitioner's residential building situated in S.No.7/1, 7/2, Door No.61-A at Azad Nagar, 3rd Street, Ramani Lakshmi Ammal Illam, K.K.Nagar, K.Sathanur SRO, Tiruchirapalli District, till the disposal of the unnumbered appeal filed by him before the Debts Recovery Appellate Tribunal, Chennai on the basis of the petitioner's personal representation dated 09.09.2021.

For Petitioner : Mr.M.Ponniah

O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, forbearing the respondent Bank from proceeding further in the petition filed by them under Section 14 of the SARFAESI Act in Crl.M.P.No.3300/2021, on the file of the Chief Judicial Magistrate, Trichy, in respect of petitioner's residential building situated at S.No.7/1, 7/2, Door No.61-A at Azad Nagar, 3rd



Street, Ramani Lakshmi Ammal Illam, K.K.Nagar, K.Sathanur SRO, Tiruchirapalli District, till the disposal of the unnumbered appeal filed by him before the Debts Recovery Appellate Tribunal, Chennai, on the basis of the petitioner's representation, dated 09.09.2021.

2.The petitioner who is the borrower, has filed the above Writ Petition seeking for a direction to forbear the respondent-Bank from proceeding with the Section 14 application pending on the file of the Chief Judicial Magistrate Court, Trichy, as per the provisions of Section 14 of the SARFAESI Act. The Chief Judicial Magistrate, has to dispose of the application filed under Section 14 of the SARFAESI Act within sixty days. The prayer sought for in the Writ Petition is against the provisions of the SARFAESI Act.

3.In such view of the matter, we are not inclined to entertain the present Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed. It is open to the petitioner to raise all the grounds before the Debts Recovery Appellate Tribunal.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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 Chief Judicial Magistrate,
Trichy.

2.The Authorized Officer/
The Assistant General Manager,
Indian Bank,
Trichy Cantonment Branch,
Trichy District.

+1 CC to M/s.M.PONNAIAH, Advocate (SR-31568[F] dated 07/10/2021)

W.P (MD)NO.18293 of 2021

and

W.M.P (MD)No.15122 of 2021

07.10.2021