



WEB COPY

W.P.(MD)No.615 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.(MD) No.615 of 2017

and

W.M.P(MD)No.479 of 2017

R.Sivaramaganesh

.. Petitioner

Vs

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Officer,
Thoothukudi.

3.The Regional Manager,
Sundaram BNP Paribas Home Finance,
Coimbatore.

4.The Branch manager,
Sundaram BNP Paribas Home Finance,
Thoothukudi.

5.Saravanakumar,
The Branch manager,
Sundaram BNP Paribas Home Finance,
Thoothukudi.

..Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the second respondent to consider the petitioner's objection dated 02.07.2016 pursuant to the proceedings initiated by the second respondent in Na.Ka.C4/13690/16, dated 13.06.2016.

For Petitioner

: Mr.R.Balakrishnan

For Respondents

: Mr.P.Thilak Kumar

1 and 2

Government Pleader

: Mr.M.Senthil Kumar

No Appearance

For R3 and R5

: Mr.M.E.Elango

No Appearance

For R4.



ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petition is misconceived and the petitioner may have attempted to take advantage of keeping the matter pending without taking any steps to prosecute the same. The petition was received in the year 2017 and notice was directed to be issued but it does not appear that the matter was taken up any time thereafter.

2. The petitioner complains of a notice issued by the respondent secured creditor seeking to take possession of the secured assets furnished in connection with a loan made available by the secured creditor.

3. Irrespective of whether the notice was issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 or under Section 13 (4) thereof, since there was an alternative remedy available to the petitioner to approach the jurisdictional Debts Recovery Tribunal, the petitioner could not have invoked this extraordinary jurisdiction.

3. Accordingly, W.P.(MD) No.615 of 2017 is dismissed without going into the merits thereof and by leaving the petitioner free to pursue any other remedy that may be available to the petitioner. There will be no order as to costs. W.M.P.(MD) No. 479 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MNR/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 District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Officer,
Thoothukudi.

+1 CC to M/s.M.E. ILANGO, Advocate (SR-32910[F] dated 27/10/2021)

+1 CC to M/s.SPL.GP (SR-32821[F] dated 27/10/2021)

+1 CC to M/s.M.SENTHIL KUMAR, Advocate (SR-32959[F] dated
28/10/2021)

W.P. (MD) No.615 of 2017
and

W.M.P (MD) No.479 of 2017
26.10.2021

TP (CO)

KB(16.11.2021) 3P 6C