



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM :

**THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P. (MD) No.22549 of 2021
and
W.M.P. (MD) .No.19075 of 2021**

Sanmugavalli

.. Petitioner

Vs.

The Authorized Officer,
IDBI Bank Limited,
1/1, Karthik Raja Complex,
Vinayaga Nagar,
K.K.Nagar,
Madurai - 625 020.

.. Respondent

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned Possession Notice issued by the respondent in his proceedings No.CIN.L65190MH2004GOI148838 dated 01.12.2021 and quash the same as illegal and consequentially to direct the respondent to regularize the petitioner's loan account on payment of defaulted loan amount to the respondent.

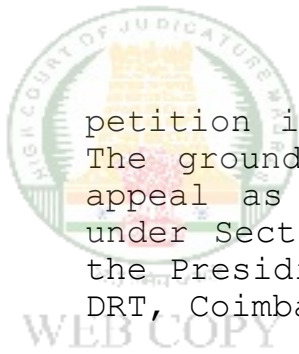
For Petitioner : Mr.B.Senthilkumar

ORDER

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

By this writ petition, a challenge is made to the possession notice under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002.

2. The petitioner is having remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter 'the Act' for brevity] but without maintaining an appeal before the Debts Recovery Tribunal [hereinafter 'DRT' for brevity], this writ petition has been filed. The precise reason for filing of this writ



petition is the absence of the Presiding Officer at DRT, Madurai. The ground aforesaid could have been taken only after filing the appeal as otherwise it has to be within the limitation provided under Section 17 of the Act. It is more so, when in the absence of the Presiding Officer at DRT, Madurai, matters are being taken up by DRT, Coimbatore on Fridays.

3. In view of the above, the petitioner prays for withdrawal of the writ petition with liberty to maintain an appeal before the DRT, Madurai.

4. If the aforesaid appeal is filed within limitation and if it remains in order, DRT, Madurai is directed to transmit the matter to DRT, Coimbatore for hearing of the appeal.

5. The writ petition is disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected W.M.P.(MD).No.19075 of 2021 is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR/RM

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.Debt Recovery Tribunal, Madurai.

2.Debt Recovery Tribunal, Coimbatore.

3. The Authorized Officer,
IDBI Bank Limited,
1/1, Karthik Raja Complex,
Vinayaga Nagar,
K.K.Nagar,Madurai-625 020.

+1 CC to M/s.B.SENTHILKUMAR, Advocate (SR-40279[F] dated 23/12/2021)

W.P. (MD) No.22549 of 2021
21.12.2021