



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.22622 of 2021
and
W.M.P. (MD) .No.19127 of 2021**

Arumugam

.. Petitioner

Vs.

The Authorized Officer,
Union Bank of India (E.Andhira Bank)
Cantonment Branch,
Warners Road, Cantonment,
Trichy-1.

.. Respondent

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, to call for the records pertaining to the impugned possession notice dated 30.10.2021 under section 13(4) SARFAESI Act, issued by the respondent and quash the same as illegal and arbitrary.

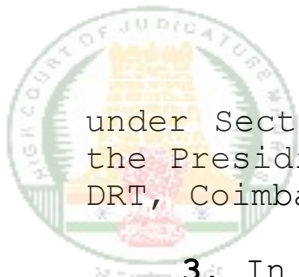
For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.Pandivel, Standing Counsel

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.19127 of 2021 is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

bala/ssl

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 Debt Recovery Tribunal, Madurai.
2. The Debt Recovery Tribunal, Coimbatore
3. The Authorized Officer,
Union Bank of India (E.Andhira Bank)
Cantonment Branch,
Warners Road, Cantonment,
Trichy-1.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-40369[F] dated 23/12/2021)

W.P.(MD) No.22622 of 2021
21.12.2021

SAR(CO)

KB(04.01.2022) 2P 5C