



WEB COPY

W.P.(MD)No.25062 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.10.2021

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No. 25062 of 2016

and

W.M.P(MD)No.18137 of 2016

Mr.M.Vijayakumar

.. Petitioner

Vs

1.The Union of India,
Rep. by its Secretary to Government,
Ministry of Finance,
New Delhi.

2.The Authorised Officer/Chief Manager,
Indian Bank,
Bodinayakanur,
Theni District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent relating to the possession notice dated 05.11.2016 in respect of the petitioner's immovable agricultural properties of an extent of 1 acres 16 cents and 5 acres 3 cents comprised in S.Nos.761 and 762/2 at Patta No.729, Bodinayakanur Village, Bodinayakanur Taluk and Sub-District, Periyakulam Registration District, Theni District and consequently forbear the respondents from in any manner proceeding against the said immovable agricultural properties of the petitioner by way of proceedings under the SARFAESI Act, 2002.

For Petitioner : Mr.P.Arun Jeyatram

For R-1 : Mr.P.Paulpandi,
Central Government Standing Counsel

For R-2 : No Appearance

ORDER

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

The grievance of the petitioner is that the respondent secured creditor has purported to proceed against an agricultural land which is impermissible.

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



2. Ordinarily, the writ court does not entertain a petition pertaining to a dispute between a defaulting borrower and the secured creditor since the the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 confers authority on the jurisdictional Debts Recovery Tribunal to take up such matters. There is no indication as to why this forum was required to be approached in preference to the regular forum of the Debts Recovery Tribunal.

3. Accordingly, W.P(MD)No.25062 of 2016 is dismissed and the petitioner is left free to pursue the petitioner's remedies in respect of the matters complained of before the appropriate forum in accordance with law.

W.M.P(MD)No.18137 of 2016 is closed. There will no order as to costs.

Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PM/PJL

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 Secretary to Government,
Union of India,
Ministry of Finance,
New Delhi.

2. The Authorised Officer/Chief Manager,
Indian Bank,
Bodinayakanur,
Theni District.

+1 CC to M/s.P.PAULPANDI, Advocate (SR-32533[F] dated 26/10/2021)

W.P. (MD) No.25062 of 2016

25.10.2021

RD/PM (02/11/2021) 2P 4C

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