



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.DURAI SWAMY

W.P.(MD)No.25244 of 2019

and

W.M.P(MD)No.21830 of 2019

WEB COPY

M/s. Ess Ess Tool Room Services,
Rep. by its Partner P.S.Karthick.

... Petitioner

Vs

1.The Managing Director and Chief Executive Officer,
Andhra Bank,
Dr.Pattabhi Bhavan,
5-9-11, Saifabad,
Hyderabad-500 004.

2.The Chief Vigilance Officer,
Andhra Bank,
Dr.Pattabhi Bhavan,
5-9-11, Saifabad,
Hyderabad-500 004.

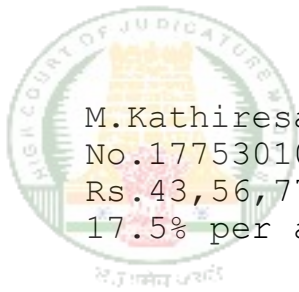
3.The Banking Ombudsman,
C/o.Reserve Bank of India,
Fort Glacis,
Chennai-600 001.

4.The Deputy General Manager,
Andhra Bank Zonal Office,
564, Diwan Bahadur Road,
R.S.Puram,
Coimbatore-641 002.

5.The Branch Manager,
Andhra Bank,
Cantonment Branch,
26, Warner's Road,
Cantonment,
Tiruchirappalli-620 001.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents bank to close the Mudhra Loan Accounts of E.Radha, A/c.No.177530100018680, S.Manorama, A/c.No.177530100018802, K.Lalitha A/c.No.177530100019315, G.Uma Maheshwari, A/c.No.177530100019403, N.Lakshmi A/c.No.177530100019494,



M.Kathiresan, A/c.No.177530100019634 and K.Prajnesh, A/c No.177530100019883 and to refund the EMI amount of Rs.43,56,776.00/- paid by Firm with accrued interest at the rate of 17.5% per annum.

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For Petitioner : Mr.K.Asok Kumar Ram
For Respondents : Mr.Pala Ramasamy

O R D E R

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

The writ petition is completely misconceived as the petitioner complains of steps taken by the respondent secured creditor under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2.One of the prayers in the petition is to direct the secured creditor "to stop further proceedings of SARFAESI against the petitioner's Firm....". The petitioner also complains of certain withdrawals having been made from the loan accounts without the petitioner having appended the signature of any authorised person on the cheques or the instruments of withdrawal.

3.Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 permits any person aggrieved by any measure adopted by a secured creditor under Section 13(4) of the Act to approach the jurisdictional Debts Recovery Tribunal with the grievance. There is no special reason why the petitioner approached this Court in its extraordinary jurisdiction instead of availing of the efficacious alternative remedy available.

4.Furthermore, there are disputed questions of fact which are evident from a plain reading of the petition. These aspects cannot be conveniently dealt with in this jurisdiction in summary proceedings conducted on affidavit evidence.

5.Accordingly, the merits of the matter are not gone into and the petitioner is left free to approach the appropriate forum in accordance with law in respect of the matters complained of.

6.W.P(MD).No.25244 of 2019 is dismissed. There will be no order as to costs. W.M.P(MD).No.21830 of 2019 is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



PM/PJL

W.P.(MD)No.25244 of 2019

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.

W.P. (MD) No. 25244 of 2019
and

W.M.P (MD) No.21830 of 2019
26.10.2021

TP (CO)

RS/UV (10.11.2021) 3P 1C