



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9313 of 2022

Mohamed Younis

.. Petitioner

Vs

1.A.M.Nilofur Begum

2.Bank of Baroda,
rep. by the Authorised Officer/Senior Manager,
Sembudoss Street Branch,
Prakasam Salai, Broadway,
Chennai - 600 108.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the second respondent from dispossessing, disturbing and interfering with the lawful possession and enjoyment of the property without any except due process of law.

For the Petitioner : Mr.N.Saravanan

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed to seek a direction on the second respondent not to dispossess, disturb and interfere in the lawful possession and enjoyment of the property. It is for the reason that an order has been passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, "the Act of 2002"]. Accordingly, the petitioner apprehended dispossession of the property pursuant to the order passed under Section 14 of the Act of 2002.

2. After the amendment under Section 13(4)(a) of the Act of 2002, the petitioner is having remedy of appeal before the Debts Recovery Tribunal. But without availing it, this writ petition has been filed.



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3. In view of the availability of the remedy of appeal before the Debts Recovery Tribunal and finding no extraordinary reason to maintain this writ petition, it is dismissed. However, liberty is granted to the petitioner to approach the concerned Debts Recovery Tribunal for remedy, if he so chooses.

4. With the aforesaid observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To:

The Authorised Officer/Senior Manager,
Bank of Baroda,
Sembudoss Street Branch,
Prakasam Salai, Broadway,
Chennai - 600 108.

W.P.No.9313 of 2022

AD(CO)
SB(22/04/2022)