



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.15272 of 2022

1. M.R.Enterprises,
rep. by its Proprietor M.A.Amalraj,
F-3, Gowtham Flats, Plot No.109,
Iswarya Street, Sheela Nagar,
Madipakkam, Chennai - 600 091.

2. M.A.Amalraj

..Petitioners

Vs

1. Bank of Baroda,
Head Office,
Baroda House,
Baroda-396 006.

2. The Authorized Officer,
Bank of Baroda,
R.K.Nagar Branch,
No.60, V.M.Iyer Road, R.A.Puram,
Chennai-600 028.

3. The Assistant General Manager,
Bank of Baroda,
Stressed Assets Recovery Management Branch,
1st Floor, Theyagaraya Road,
T.Nagar Branch, Chennai-600 017.

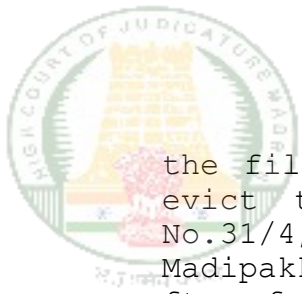
4. John Wilson

5. The Commissioner of Police,
Greater Chennai City Police,
Veppery, Chennai - 600 007.

6. The Inspector of Police,
Madippakkam Police Station,
Madippakkam, Chennai-600 091.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to quash the impugned order dated 03.03.2022 in CrI.M.P.No.6202 of 2021 on



the file of Honourable Chief Judicial Magistrate, Chengalpet to evict the second petitioner from the premises bearing door No.31/4, Senkazhiniamman Koil Street, Raghavendra 2nd Street, Madipakkam, Chennai - 600 091 measuring an extent of 5060 sq. ft. of land with building (1781 sq. ft. on ground floor, 1398 sq. ft. on the first floor as per the approved plan situated in No.154, Madipakkam village, Tambaram Taluk, presently Sholinganallur Taluk, Chennai District and direct the second respondent to cancel the sale certificate issued in favour of the fourth respondent dated 29.07.2020.

For the Petitioners : Mr.N.Selvaraju

ORDER

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

The writ petition has been filed to challenge the order dated 3.3.2022 passed by the Chief Judicial Magistrate, Chengalpattu under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, against which an appeal lies under Section 17 of the Act.

2. According to learned counsel for the petitioners, an appeal has already been preferred, but has not yet been numbered. In view of the statement aforesaid that an appeal had already been filed, the present writ petition is not maintainable only for the reason that the appeal has not been numbered.

3. In so far as the challenge to the sale certificate is concerned, the petitioners have got a remedy of appeal available under Section 17 of the Act of 2002. Without exhausting such appellate remedy, the present writ petition is not maintainable.

For the reasons aforesaid, the writ petition is dismissed as not maintainable, with liberty to pursue the appeal remedy. There will be no order as to costs. Consequently, W.M.P.Nos.14441, 14442 and 14444 of 2022 are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. The Authorized Officer,
Bank of Baroda,
R.K.Nagar Branch,
No.60, V.M.Iyer Road, R.A.Puram,
Chennai-600 028.
2. The Assistant General Manager,
Bank of Baroda,
Stressed Assets Recovery Management Branch,
1st Floor, Theyagaraya Road,
T.Nagar Branch, Chennai-600 017.
3. The Commissioner of Police,
Greater Chennai City Police,
Veppery, Chennai - 600 007.
4. The Inspector of Police,
Madippakkam Police Station,
Madippakkam,
Chennai-600 091.
5. M/s.Bank of Baroda,
Head Office,
Baroda House,
Baroda - 396 006.

+1cc to Mr.N.Selvaraju, Advocate, S.R.No.37063

W.P.No.15272 of 2022

GJ(CO)
RGA(24/06/2022)