



W.P. No.33532 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.33532 of 2022

P.Durairaj

... Petitioner

Vs

1.The Authorized Officer

State Bank of India (PACPC- Tambaram Branch)

Satheesh Paradise

No.388, Velachery Main Road

Selaipur, Chennai 73

2.The Branch Manager

State Bank of India

Medavakkam Branch, Chennai-100

3.S.Senthil

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st and 2nd respondent herein to not to take any further eviction proceedings in respect of the Flat in the 2nd Floor of the building known as Sadayappan Enclave A Block Flat No. S-1 Built up area measuring an extent of 1100 sq.ft (including common area) and together with 500 sq.ft undivided share of land in an extent measuring 4875 sq.ft of land thereabouts bearing Plot No.53/22, Bajanaikoil 2nd Street, Sithalapakkam, Chennai 126 comprised in Grama Natham Survey No.119/10, Manaivary Patta no.



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427/19, Ottiyambakkam Village, Sholinganallur Taluk, Kancheepuram District, considering the petitioners representation dated 21.10.2022

For Petitioner : Mr.B.Ganesha Moorthy

***For Respondents : Mr.V.Kathirvelu,
Standing Counsel
for respondents 1 and 2***

ORDER

(Made by the Hon'ble Acting Chief Justice)

The prayer sought for by the petitioner in this writ petition is untenable and the petitioner has to workout his remedy before the appropriate forum.

2. Although the petitioner claims that he is not the borrower; but only promoter of the land belonging to the third respondent, who has borrowed amount from respondents 1 and 2 bank, since the first respondent bank has already obtained an order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the petitioner has to workout his remedy in the manner known to law.



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3. Learned counsel for the petitioner has repeatedly submitted that if time is given, the petitioner is prepared to pay the entire outstanding balance amount.

4. This Court is not inclined to entertain such a prayer. The petitioner has to approach the Debts Recovery Tribunal concerned, for the relief sought for before this court. The writ petition fails and the same is dismissed. Liberty is given to the petitioner to workout his remedy in the manner known to law. There will be no order as to costs. Consequently, WMP No.32976 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
14.12.2022

Index: Yes/No
tar

To

1.The Authorized Officer
State Bank of India (PACPC- Tambaram Branch)
Satheesh Paradise, No.388, Velachery Main Road
Selaiyur, Chennai 73

2.The Branch Manager
State Bank of India
Medavakkam Branch, Chennai 100



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