



WEB COPY



W.P. No.33342 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.33342 of 2022

Divya Srinivasan

... Petitioner

Vs

1.The Authorized Officer
UCO Bank, Coimbatore MC Branch
No.671/449, Avinashi Road
Peelamedu Coimbatore-641 004.

2.Pushparaj

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus (a)Directing the 1st respondent to secure possession in terms of the order passed under Section 14 of the SARFAESI Act and deliver the same to the petitioner (b) directing the Honourable Debts Recovery Tribunal, Coimbatore to expeditiously dispose of the application pending in S.A.No.347 of 2021, S.A.No.399 of 2021 and S.A.No.15 of 2022 within a time limit.

For Petitioner

:

Ms.S.Vaitheeswari



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ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition praying for a Writ of Mandamus directing the first respondent to secure possession in terms of the order passed under Section 14 of the SARFAESI Act and deliver the same to the petitioner and directing the Debts Recovery Tribunal, Coimbatore to expeditiously dispose of the applications filed by the second respondent, which are pending.

2. The learned counsel for the petitioner has fairly admitted that the petitioner has been issued with sales certificate on payment of the entire sale consideration as auction-purchaser. The second respondent has subsequently moved the Debts Recovery Tribunal, Coimbatore, with three Sarfaesi Applications which are pending before the said Tribunal. In view of the pendency of these applications, the petitioner is unable to secure the assets. Therefore, the petitioner seeks a direction to the Debts Recovery Tribunal, Coimbatore, to expedite and dispose of the pending applications.



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3. The prayer of the petitioner is untenable. Petitioner has to work out her remedy in the manner known to law by filing necessary applications before the Debts Recovery Tribunal. Without exhausting the available remedy, the petitioner has directly approached this court. Hence, we are not inclined to entertain the same.

4. The writ petition is dismissed, giving liberty to the petitioner to move workout her remedy in the manner known to law. No costs.

(T.R., ACJ.) (D.B.C., J.)
12.12.2022

Index: Yes/No
tar

To

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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

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