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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32808 of 2022

1.M/s.Metro Steel Rolling Mills Pvt Ltd.,
rep. by its Managing Director, Mahendra Kumar Jain,
at 581 Kesava Iyer Street,
Park Town, Chennai-600 003.

2.Mahendra Kumar Jain
M.D. Metro Steel Rolling Mills Pvt Ltd.,
581 Kesava Iyer Street,
Park Town, Chennai-600 003. .. Petitioners

Vs

1.The Reserve Bank of India,
rep. by its Governor,
No.16, Rajaji Salai, Chennai-600 001.

2.ICICI Bank Ltd.,
rep. by its Regional & General Manager,
Plot No.24, Ambattur Industrial Estate,
Block No.1, Ambattur,
Chennai-600 058
Tamil Nadu, India.

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3.The Authorised Officer,
ICICI Bank,
Plot No.24, Ambattur Industrial Estate,
Block No.1, Ambattur,
Chennai-600 058
Tamil Nadu, India. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd and 3rd respondents to forbear them from anyway interfering with the petitioner's properties at (i) All the piece & parcel of lands comprised in T.S.No.15/6 admeasuring about 5 grounds & 1962 sq. ft. and in T.S.15/7 block No.36 admeasuring about 1 Ground and 314 sq. ft. in all measuring about 6 grounds & 2276 sq. ft. at Abdul Razack Street, Saidapet, Madras-600 015, No.36 within the Registration District of south Madras & sub-Registration District of south Madras & sub-Registration District of Saidapet, (ii) All that pieces & parcel of lands in T.S.No.15/6 admeasuring about 2 grounds and 919 sq. ft. in the schedule-A mentioned property or known as 15306 Nos. of undivided land shares. Therein with right of passage in plots-A and bounded on the C in the schedule-A mentioned property, (iii) property situated at 1st floor – B – block named "Harrington chambera" 30/1A Abdul Razak Street, Saidapet, Chennai-600 015 measuring about 3503 sq. ft. Saidapet village TS 1516, 2 grounds and 919 sq. ft. block No.36, situated within the Registration District of Chennai south and sub Registration District of Saidapet 1309 sq. ft. undivided share out of the schedule-C mentioned properties 3503 shares out of 15306 Nos of undivided land shares in the schedule-B mentioned property 1309 sq. ft. particularly by way of dispossession of sale or any kind of encumbrance of the same pending consideration at petitioner's representation for one time settlement vide letter dated 12.9.2021.

For the Petitioners : Mr.D.S.Rajasekaran

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ORDER

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

W.M.P.No.32202 of 2022 filed to permit the petitioners to file a single writ petition is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. The writ petition has been filed seeking issuance of a writ of mandamus forbearing respondents 2 and 3 from anyway interfering with the petitioners properties at (i) all the piece and parcel of lands comprised in T.S.No.15/6 admeasuring about 5 grounds & 1962 sq. ft. and in T.S.15/7 block No.36 admeasuring about 1 ground and 314 sq. ft. in all measuring about 6 grounds & 2276 sq. ft. at Abdul Razack Street, Saidapet, Madras-600 015, No.36 within the Registration District of South Madras & Sub-Registration District of South Madras & Sub-Registration District of Saidapet; (ii) all that pieces & parcel of lands in T.S.No.15/6 admeasuring about 2 grounds and 919 sq. ft. in the schedule-A mentioned property or known as 15306 Nos. of

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undivided land shares. Therein with right of passage in plots-A and bounded on the C in the schedule-A mentioned property, (iii) property situated at 1st floor – B – block named "Harrington chambera" 30/1A Abdul Razak Street, Saidapet, Chennai-600 015 measuring about 3503 sq. ft. Saidapet village TS 1516, 2 grounds and 919 sq. ft. block No.36, situated within the Registration District of Chennai South and Sub Registration District of Saidapet 1309 sq. ft. undivided share out of the schedule-C mentioned properties 3503 shares out of 15306 Nos of undivided land shares in the schedule-B mentioned property 1309 sq. ft. particularly by way of dispossession of sale or any kind of encumbrance of the same pending consideration at petitioner's representation for one time settlement vide letter dated 12.9.2021.

3. As against the proceedings under challenge, the petitioners have an effective efficacious alternative remedy before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act. Without availing the aforesaid statutory remedy, the petitioner cannot directly come to this court. This Court cannot be a substitute for the Debts Recovery Tribunal or the Debt Recovery Appellate Tribunal. This court can only entertain a challenge to the order passed by the Debt

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Recovery Appellate Tribunal. However, no such order is under challenge before us.

In such view of the matter, the writ petition is dismissed. However, the petitioner is granted liberty to approach the Debts Recovery Tribunal within two weeks from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, W.M.P.No.32204 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
07.12.2022

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D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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