



WEB COPY

W.P.(MD) No.414 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.414 of 2022

and

W.M.P. (MD) Nos.318 & 319 of 2022

S.Jothimani

... Petitioner

-vs-

1.The Chief Judicial Magistrate
Chief Judicial Magistrate Court
Madurai

2.The Authorized Officer
represented by Karur Vysya Bank
Annanagar Branch
Door No.149, A & B
Alagar Kovil Road
Tallakulam, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned diary order dated 09.12.2021 in CrI.M.P.No.898 of 2021, on the file of the first respondent, quash the same as illegal and consequently directing the second respondent to convert the loan type from over draft facility with working capital term loan to one term loan for fixed in period of 20 years to the petitioner.

For Petitioner : Mr.Udhayakumar.R.

For Respondents : Mr.Madhan Alexander for R2



O R D E R

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

Mr.Madhan Alexander, learned Standing Counsel, takes notice for the second respondent.

2. The order of the learned Chief Judicial Magistrate in the proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is challenged in this writ petition.

3. The learned counsel appearing for the petitioner would submit that the subject property is an agricultural land and for the default of the loan amount, the learned Chief Judicial Magistrate, Madurai, has passed the interim order directing the Advocate Commissioner to take possession of the property with Police assistance and report before the Court on or before 06.01.2022.

4. Since the petitioner has got efficacious alternate remedy before the Debts Recovery Tribunal, we are not inclined to entertain this writ petition.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Chief Judicial Magistrate,
Chief Judicial Magistrate Court,
Madurai.

W.P. (MD) No.414 of 2022

and

W.M.P. (MD) Nos.318 & 319 of 2022

11.01.2022

MGJ(25.01.2022) 2P 2C