



W.P.(MD)No.245 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.245 of 2022
and
W.M.P.(MD)No.182 of 2022

Neelaraj @ Neelaraja

... Petitioner

Vs.

1.The Authorized Officer,
Tamil Nadu Mercantile Bank Limited,
Manikatti Pottal (Post),
Pillayarapuram, Nagercoil,
Kanyakumari District.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Limited,
Pillayarapuram Branch, Pillayarapuram,
Kannyakumari District.

3.R.Jeyanthi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice vide Nil issued by the first respondent, dated 22.12.2021 and to quash the same as illegal and consequently, to direct the first respondent to permit the petitioner to make one time settlement of loan amount.



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For Petitioner :Mr.K.P.Narayanakumar
For R1 and R2 :Mr.N.Dilipkumar
For R3 :Mr.A.Kesavan

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Challenging the impugned notice, dated 22.12.2021 issued by the first respondent and to direct the first respondent to permit the petitioner to make one time settlement of loan amount, the above Writ Petition is filed.

2.Heard Mr.K.P.Narayanakumar, learned Counsel for the petitioner, Mr.N.Dilipkumar, learned Counsel for R1 and R2 and Mr.A.Kesavan, learned Counsel for the third respondent.

3.The petitioner earlier filed a Writ Petition in W.P(MD)No.7042 of 2021 challenging the auction conducted on 06.01.2021. The Writ Petition was dismissed with liberty to approach the Tribunal. Again another Writ Petition was filed in W.P(MD)No.20991 of 2021 challenging the sale confirmation order. That was also dismissed with liberty to approach the Tribunal. It is now reported before this Court that the



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petitioner has already challenged the sale before the Debts Recovery Tribunal and the same is pending in SR stage. Stating that the Presiding Officer is not available in the Tribunal, the petitioner has approached this Court by filing this Writ Petition challenging the impugned possession notice issued by the first respondent, dated 22.12.2021. Since the petitioner has already availed the alternative remedy, this Court cannot permit the petitioner to avail the parallel remedy before this Court. Once sale deed is executed and possession is also taken, there is no scope for entertaining this Writ Petition. Hence, this Writ Petition is dismissed leaving it open to the petitioner to approach the Tribunal and do the needful to number the application and pursue with his application. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
13.07.2022

Index : Yes / No

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