



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE PARESH UPADHYAY**

AND

THE HONOURABLE **MR.JUSTICE KRISHNAN RAMASAMY**

W.P(MD)Nos. 3973 & 3974 of 2022
& WMP(MD) Nos.3412 & 3411 of 2022

Mrs.R.Sasiendra

.. Petitioner in both WP(MD)s.

Vs

1. The General Manager, Assets and Recovery,
Head Office, Karnataka Bank,
Mangalore

2.The Chief Manager, Assets and Recovery,
Regional Office,
Karnataka Bank, Chennai

3.The Branch Manager,
Karnataka Bank,
No.72, Kanchana Enclave, Ground Floor,
7th Cross, Thillai Nagar,
Tiruchirappalli-620017

4.The Authorised Officer,
Karnataka Bank Ltd.,
Assets Recovery Management Branch,
No.324, Ground Floor,
Thambu Chetty Street,
Chennai-600 001

5.The Presiding Officer,
The Hon'ble Debt Recovery Tribunal-II,
Chennai.

.. Respondents in both petitions.

W.P.(MD) Nos. 3973 & 3974 of 2022 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st, 2nd and 3rd respondents to consider the petitioner representations dated 11.08.2021, 10.01.2022 and 09.02.2022 and to direct the 4th respondent to withdraw the petition wrongly filed under Section 14 of the Securitization and Reconstruction of Finance Assets & Enforcement of Security Interest



Act 2002 as per the invalid notice issued by the 4th respondent dated 14.6.2019 without proper signature and seal in the lower Hon'ble Chief Judicial Magistrate Court, Pudukottai in Cr.MP.Nos.474 & 475 of 2021 respectively(prayer in both WPs).

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For Petitioner : Mr.R.Rajagopal(in both WP(MD)s)

COMMON ORDER

(Made by PARESH UPADHYAY,J.)

1. The Prayer Clause in these petitions is as under:

"To issue of a Writ of Mandamus, to direct the 1st, 2nd and 3rd respondents to consider the petitioner representations dated 11.08.2021, 10.01.2022 and 09.02.2022 and to direct the 4th respondent to withdraw the petition wrongly filed under Section 14 of the Securitization and Reconstruction of Finance Assets & Enforcement of Security Interest Act 2002 as per the invalid notice issued by the 4th respondent dated 14.6.2019 without proper signature and seal in the lower Hon'ble Chief Judicial Magistrate Court, Pudukottai in Cr.MP.Nos.474 & 475 of 2021 respectively."

2. Learned Advocate for the petitioner has taken this Court extensively through the material on record and contended that the proceedings initiated by the respondent Bank in the year 2019 is illegal and therefore interference is required by this Court.

3. We find that relief claimed in these petitions under apprehension that after two days something will happen to his property, is to be waived *vis-a-vis* time of few years in the litigation in question. Viewing from this angle we find that, the petitioner is not entitled to relief under Article 226 of the Constitution of India.

4. For the above reason, these Writ Petitions are dismissed. No costs. Consequently, connected WMPs would not survive.

Sd/-

Assistant Registrar (Writs)

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Sub Assistant Registrar(CS)

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W.P(MD)Nos. 3973 & 3974 of 2022

To

1.The Presiding Officer,
The Hon'ble Debt Recovery Tribunal-II, Chennai.

+2 CC to M/s.R.RAJAGOPAL, Advocate (SR-10243[F] dated 07/03/2022)

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W.P(MD)No. 3973 & 3974 of 2022
04.03.2022

RK(21/03/2022) 3P 4C