



W.P.(MD)No.20161 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM

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

W.P.(MD)No.20161 of 2022
and
W.M.P.(MD)No.14660 of 2022

Rahmath Nisha

... Petitioner

Vs.

1.The Authorized Officer,
Tamilnad Mercantile Bank Ltd.,
Reddiarpatti Branch, No.188/1-B, Main Road,
Reddiarpatti-627 007, Tirunelveli.

2.Tamilnad Mercantile Bank Ltd.,
Rep.by its Branch Manager,
Reddiarpatti Branch, No.188/1-B, Main Road,
Reddiarpatti-627 007, Tirunelveli.

3.Debts Recovery Tribunal-Madurai,
Rep.by the Registrar,
III & IV Floor, Kalyani Towers,
4/162, Madurai-Melur Road,
(Near Meenakshi Mission Hospital),
Uthangudi Post, Madurai-625 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the possession notice dated 11.08.2022 issued by the 1st respondent and quash the same.



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For Petitioner : Mr.V.Veerapandian,
M/s.Vastlaw Associates
For R1 and R2 : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

This Writ Petition has been filed challenging the possession notice, informing the petitioner that symbolic possession of secured assets is taken by the Bank.

2.Heard Mr.V.Veerapandian, learned counsel for the petitioner, and Mr.N.Dilip Kumar, learned Standing Counsel, who takes notice on behalf of respondents 1 and 2. By consent of both parties, the present Writ Petition is taken up for final disposal at the stage of admission itself.

3.Now, it is admitted before this Court that the sale notice has been issued by the respondent bank, fixing the date of auction on 07.10.2022. This Court, normally, does not entertain the Writ Petition, challenging the possession notice, unless if the same is filed for making interim payments, so as to enable the respondent bank to consider the representation of the petitioner for One Time Settlement or for other concession.



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4.It is also admitted that the petitioner has filed a SARFAESI Application before the Debt Recovery Tribunal / 3rd respondent herein, challenging the notice, which is impugned in the present Writ Petition.

5.Therefore, this Court is of the view that the writ petitioner cannot be permitted to avail parallel remedies and hence, this Writ Petition is dismissed. However, liberty is reserved for the petitioner to challenge the sale notice, pointing out any irregularities. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
29.08.2022

Index : Yes / No

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