



WP No.3113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.3113 of 2023

S.Ramanathan ... Petitioner

versus

The Authorised Officer,
Canara Bank,
Fort Main Branch, Fort Main Road,
opp to Mohan Kumaramangalam,
Government Hospital,
Salem 636 001

... Respondent

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records relating to possession notice dated 21.01.2022 quash the same as null and void and in consequence thereof, by setting aside the entire proceedings initiated by the respondent under Securitisation Act as null and void.

For the Petitioner : Ms.V.Sahaana



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ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition to quash the possession notice dated 21.01.2022, issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. A perusal of the typed-set of papers shows that the petitioner has already approached the Debts Recovery Tribunal, Coimbatore, by filing SA No.327 of 2022, challenging the impugned notice dated 21.01.2022. Admittedly, the said proceeding is pending. In the meanwhile, the petitioner has approached this Court by filing this writ petition.

3. The petitioner cannot maintain two parallel proceedings one before the Tribunal and another before this Court. It is a well settled legal position that invocation of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India is specifically and explicitly barred if any other proceeding initiated by the petitioner for the same relief is pending before any other forum. The petitioner has



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already approached the Debts Recovery Tribunal, Coimbatore. The petitioner has to workout his remedy only before the said forum.

4. The writ petition is disposed of with a direction to the Debts Recovery Tribunal, Coimbatore, to dispose of SA No.327 of 2022, as expeditiously as possible, on merits and in accordance with law.

5. There will be no order as to costs. Consequently, WMP Nos.3182, 3184, 3186 and 3187 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
07.02.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To
The Authorised Officer,
Canara Bank,
Fort Main Branch, Fort Main Road,
opp to Mohan Kumaramangalam G.H.,
Salem 636 001



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.
(tar)

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