



W.P.No.5721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5721 of 2023

M/s.CBC Fashions (Asia) Pvt. Ltd.,
rep. by its Managing Director, T.R.Vijayakumar
Having Office at No.11, M.R. Nagar,
C.B.C. Building, Dharapuram Road,
Tirupur-641 608.

.. Petitioner

Vs

The Authorised Officer,
State Bank of India,
Stressed Asset Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore-641 037.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondent, their men, officers, agents, servants, representative or anyone claiming through or under them or any other persons from proceeding any further in terms of possession notice dated 17.05.2022 till such time the appeal to be disposed of by the Debts Recovery Tribunal at Coimbatore at S.A.(SR) No.252 of 2023.



W.P.No.5721 of 2023

For the Petitioner : Mr.S.Ezhil Raj

WEB COPY

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

CBC Fashions (Asia) Private Limited, represented by its Managing Director, T.R.Vijayakumar, has filed this writ petition seeking issuance of a writ of mandamus to forbear the respondent from proceeding any further in pursuance of the possession notice dated 17.5.2022 till S.A.No.(SR) No.252 of 2023 filed by the petitioner is disposed of by the Debts Recovery Tribunal, Coimbatore.

2. A bare perusal of the documents filed in support of the writ petition reveals that assailing the order dated 20.1.2023 passed in C.M.P.No.12663 of 2022 by the learned Chief Judicial Magistrate, Tiruppur, under Section 14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the petitioner has already filed S.A.No.(SR) No.252 of 2023 before the Debts Recovery Tribunal, Coimbatore. Inasmuch as the petitioner has already approached the Debts



W.P.No.5721 of 2023

WEB COPY

Recovery Tribunal, Coimbatore, by way of an appeal as per the statutory prescription under Section 17 of the Act and the same is pending consideration, the invocation of the discretionary jurisdiction of this Court under Article 226 of the Constitution of India cannot be countenanced, as the same would tantamount to pursuing the writ remedy as a parallel remedy.

3. For the foregoing reason, the writ petition is dismissed, with liberty to the petitioner to pursue the pending appeal before the Debts Recovery Tribunal, Coimbatore. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
27.02.2023

Index : No
Neutral Citation : No
sasi

To:
The Authorised Officer,
State Bank of India, Stressed Asset Management Branch,
1112, Raja Plaza, Avinashi Road, Coimbatore-641 037.



WEB COPY



W.P.No.5721 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

W.P.No.5721 of 2023

27.02.2023