



W.P.No.7227 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.7227 of 2023

A.Ramasamy

.. Petitioner

Vs.

1. Reliance Assets Reconstruction Co. Ltd.
Acting in its capacity as Trustee of Reliance
ARC – LVB – Trust, having its office at
Reliance Centre, 6th Floor, Prabhat Colony
North Wing, Off. Western Express Highway
Santa Cruz (East), Mumbai 400 055.
Through its Authorized Officer.

2. The Authorized Officer
Lakshmi Vilas Bank Ltd.
Coimbatore Main Branch, Oppanakara Street
Coimbatore 641 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, call for the records pertaining to the order passed in Crl.M.P.No. 12629 / 2022 on 29.11.2022 by the Chief Judicial Magistrate, Tirupur which order is obtained fraudulently by suppressing the order dated 22.02.2013 and dated 05.09.2013 by the



W.P.No.7227 of 2023

WEB COPY

DRT, Coimbatore passed in S.A.No.37 / 2013 and without withdrawing the earlier application filed before the District Collector, Tirupur. As the said order was obtained by abusing the process of the law.

For the Petitioner : Mr.V.Jayachandran

For the Respondents : R1 not ready in notice

No appearance for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.V.Jayachandran, learned counsel for the petitioner.

2. The present petition is filed challenging the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

3. Learned counsel for the petitioner submits that the petitioner has also filed a Securitisation Application before the Debts Recovery Tribunal, challenging the same order under Section 14 of the SARFAESI Act. However, due to suppression of facts while obtaining order under Section 14 of the SARFAESI Act, the present writ petition



W.P.No.7227 of 2023

WEB COPY is filed.

4. Two proceedings cannot be availed to challenge the same order. As the petitioner has already filed a Securitisation Application before the Debts Recovery Tribunal, the petitioner may prosecute the Securitisation Application. In that event, all the contentions of the respective parties are kept open.

5. The writ petition, as such, stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.7275 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

16.08.2023

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.7227 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVU, J.

(drm)

W.P.No.7227 of 2023

16.08.2023