



W.P.No.13097 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

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

AND

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

W.P.No.13097 of 2023

K.Kavitha

.. Petitioner

Vs.

1. The Bank of India
Tirupur SME Branch
Rep. By Chief Manager
No.18, Harini Centre, Khaderpet
Tirupur 641 601.

2. Shiva Mills
Rep. By A.K.Jeyaprakash
No.440/1B, V Elavanthi Road
Kethanur Village, Palladam Taluk
Tirupur 641 671.

3. N.Thirukkumaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records pertaining to order passed by the Chief Judicial Magistrate, Tirupur District in Crl.M.P.No.1087/2019 dated 22.01.2020 and quash the same.

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For the Petitioner : Mr.E.Omprakash
Senior Counsel
For Mr.K.S.Karthik Raja

For the Respondents : Mr.L.Sriram
For M/s. Chennai Law Firm
for Respondent-1

Mr.AR.L.Sundaresan
Senior Counsel
For Mr.S.Arjun
for Respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.E.Omprakash, learned Senior Counsel for the petitioner, Mr.L.Sriram, learned counsel for the first respondent and Mr.AR.L.Sundaresan, learned Senior Counsel for Mr.MS.Arjun, learned counsel for the third respondent.

2. The petitioner is challenging the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The property has already



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been auctioned. The sale is assailed by the petitioner by filing a Securitisation Application before the Debts Recovery Tribunal and the same is pending.

3. It is submitted by learned Senior Counsel for the petitioner that the property was sold for Rs.4.40 crore. The petitioner is ready to deposit the same. The order under Section 14 of the Act be stayed.

4. According to learned Senior Counsel for the third respondent, the petitioner was directed to deposit Rs.6.50 Crore under order dated 26.08.2022 in S.A.No.820 of 2022. The petitioner failed to deposit.

5. It is submitted by learned counsel for the respondent bank that the petitioner has a remedy under Section 17 of the Act to challenge the order under Section 14 of the Act.

6. Considering all the aforesaid aspects of the matter, we are not inclined to exercise our writ jurisdiction. It is for the petitioner to avail the remedy before the appropriate forum as may be permissible under



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law. In that event, all contentions of the respective parties are kept open. The interim order passed earlier in this petition shall continue for a further period of seven days from today. Needless to mention that on expiry of seven days, the protection shall come to an end.

7. The writ petition is disposed of. There will be no order as to costs. W.M.P.No.12861 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

The Chief Manager
Bank of India
Tirupur SME Branch
No.18, Harini Centre, Khaderpet
Tirupur 641 601.



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

(kpl)

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