



WEB COPY



W.P. No.12935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM :

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

AND

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

W.P. No.12935 of 2023

and

W.M.P. Nos. 12720 and 12722 of 2023

Anand Cine Services Pvt. Ltd.
Repd. By the Director
Mrs. Padma Manohar
having address at No.3
Sarangapani Street, T.Nagar
Chennai – 600 017.

.. Petitioner

-VS-

1. M/s. Karvy Financial Services Ltd.
No.705/706, VII Floor
Hall Mark Business Plaza
St. Ghyaneshwar Marg
Opp. Guru Nanak Hospital
Bandra [East], Mumbai – 400 051.
2. M/s. Gemini Industries and Imaging Ltd.
[A company in liquidation]
Rep. by the Official Liquidator
High Court, Madras.
3. Mr. A.Manohar Prasad
4. Mr. Kiran Parvathaneni

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, by seeking call for the records comprised in the proceedings of the Hon'ble Chief Metropolitan Magistrate Court, Egmore, Chennai in Crl. M.P. No. 30037 of 2022 dated 03.03.2023 and quash the same and consequently directing the first respondent, their men, agents, servants, subordinates or any one acting under them from in any manner interfering with the peaceful possession of the property by the petitioner and its employees measuring about 1879 sq. ft. comprising of ground, first and second floors situate in Re-survey No.1450/16, Old No.9, New No.11, Elango Salai, Vannia Teynampet, Chennai – 600 083.

For the Petitioner : Mr.T.T.Ravichandran

For the Respondents : Ms.R.Anila
for Mr.S.R.Sundar for R-2

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.T.T.Ravichandran, learned counsel for the petitioner and Ms.R.Anila, learned counsel for the second respondent.

2. The petitioner has challenged the action taken under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('the SARFAESI Act' in short). It is submitted that the petitioner is the occupier of the property.



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3. The order under Section 14 of the SARFAESI Act can be assailed before the Debts Recovery Tribunal. It is for the petitioner to assail the said order, as may be permissible under law. The learned counsel for the petitioner submits that the DRT-III would not entertain the matter as it would require filing the same within 45 days. It does not consider the period spent in pursuing the present writ petition.

4. It is for the petitioner to plead the benefit of Section 14 of the Limitation Act before the DRT, as may be permissible. The DRT would consider the same in accordance with law.

With the above observation, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

07.06.2023

Index : yes/no
Neutral Citation : Yes/No
sra



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

(sra)

To:

Official Liquidator
M/s. Gemini Industries and Imaging Ltd.
[A company in liquidation]
High Court, Madras.

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