



WEB COPY



W.P.No.13731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13731 of 2023

1. S.Rajan
2. R.Appadai Nathan
3. P.Babu

.. Petitioners

Vs

1. M/s.Equitas Small Finance Bank Ltd
rep. by its Area Legal Manager
No.769, Spencer Plaza
4th Floor, Phase-2
Anna Salai, Chennai – 600 002.

2. M.Balakrishnan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order passed under Section 14 of the SARFAESI Act, 2002 dated 31.3.2023 made in CrI.M.P.No.3124 of 2018 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai, to quash the same and to consequently forbear the first respondent or their men and agents from in any way interfering with the petitioner's peaceful possession and enjoyment of the subject matter property at Door No.40/47, comprised in S.No.1/2, T.S.No.64, Block No.2 having an extent of 971 sq.ft. out



W.P.No.13731 of 2023

of 1593 sq.ft. Situated at Krishnappa Street, Saidapet, Chennai – 600 015.

For the Petitioners : Mr.T.Maha Vishnu

ORDER

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

W.M.P.No.13412 of 2023 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate set of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. Calling into question the order dated 31.3.2023 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.3124 of 2019 filed by the first respondent/secured creditor under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the petitioners have filed this writ petition.



W.P.No.13731 of 2023

WEB COPY

3. The writ petition deserves to be dismissed outright for the simple reason that the petitioner without challenging the order passed under Section 14 of the Act by filing an appeal under Section 17 of the Act before the Debts Recovery Tribunal has straightaway approached this court under Article 226 of the Constitution of India. When an efficacious alternative statutory remedy is available to the petitioner, a writ petition is not maintainable.

For the foregoing reasons, the writ petition is dismissed. However, the petitioner is granted two weeks' time from the date of receipt of a copy of this order to approach the Debts Recovery Tribunal. If such appeal is filed, the Debts Recovery Tribunal shall consider the same on its own merits. There will be no order as to costs. Consequently, W.M.P.Nos.13414 and 13416 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
28.04.2023

Index : No
Neutral Citation : No
sasi



W.P.No.13731 of 2023

To:

The Area Legal Manager
Equitas Small Finance Bank Ltd
No.769, Spencer Plaza
4th Floor, Phase-2
Anna Salai, Chennai – 600 002.



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W.P.No.13731 of 2023

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

(sasi)

W.P.No.13731 of 2023

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