



W.P.No.13922 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.13922 of 2023

P.Rajkumar

.. Petitioner

Vs

M/s.Jana Small Finance Bank Ltd (JSFBL)
(Formerly known as "Janalaksh Financial Service Ltd")
Having their Regd Office at
The fairway Business Park,
No.10/1, 11/2, 12/2B,
Off Domlur, Koramangala Ring Road,
Next to EGL,
Challaghatta, Bangalore-560 071.

Having Branch office at
Seshammal Towers,
No.259/4/129, Saradha College Road,
Opp. Annasalai,
Alagapuram, Salem-636 016
through its Authorised Officer
T.Sударасан.

.. Respondent



W.P.No.13922 of 2023

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the order of the Chief Judicial Magistrate, Salem dated 13.3.2023 passed in Crl.M.P.No.1217 of 2022 and quash the same and to direct the respondent to follow procedure contemplated under SARFAESI Act.

For the Petitioner : Mr.K.Rajendra Prasad

ORDER

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

This writ petition has been filed by the petitioner questioning the correctness of the impugned order dated 13.03.2023 passed by the learned Chief Judicial Magistrate, Salem in Crl. M.P.No.1217 of 2022.

2. Learned counsel appearing for the petitioner submitted that earlier challenging the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "*the Act of 2002*") in respect of the vacant land, the petitioner has filed



W.P.No.13922 of 2023

S.A.No.698 of 2022 before the Debts Recovery Tribunal, Coimbatore and the same is pending. Learned counsel further submitted that the petitioner has also challenged the e-auction sale notice in S.A.No.219 of 2023 before the very same Tribunal and the same is also still pending. While so, the learned Chief Judicial Magistrate, Salem, entertained another application filed by the secured creditor under Section 14 of the Act of 2002 in respect of the dwelling unit of the petitioner and allowed the same mechanically without following the provisions of the Act of 2002.

3. If the petitioner is really aggrieved by the proceedings initiated under Section 14 of the Act of 2002, he has to work out his remedy in the manner known to law by approaching the Debts Recovery Tribunal and he cannot directly approach this Court bypassing the effective statutory remedy available to him. Therefore, liberty is granted to the petitioner to approach the Debts Recovery Tribunal within a period of ten days from today. The parties are directed to maintain status-quo for the aforesaid period of ten days.



W.P.No.13922 of 2023

WEB COPY

4. Accordingly, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.13582, 13585 and 13587 of 2023 are closed.

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

Index : Yes/No
Neutral Citation : Yes/No
bbr

Note:
Issue order copy on : 04.05.2023.



WEB COPY



W.P.No.13922 of 2023

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

bbr

W.P.No.13922 of 2023

28.04.2023