



WP No.23377 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM

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

AND

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

WP No.23377 of 2023

M/s.Shri Gangai Textech (India)
Private Ltd., Rep. by its Director,
K.Kuppusamy, Door No.135,
Devaramapalayam, Somanur,
Sulur Taluk, Coimbatore District.

... Petitioner

-VS-

1. The Authorized Officer,
M/s.UCO Bank, Coimbatore Main Branch,
Trichy Road, Coimbatore 641018,
Rep. by its Manager.

2. Natarajan
3. Dhanabakkiyam
4. Saraswathy
5. Rukmani
6. Govindasamy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 to 6 not to disturb physical possession of subject property without due process of law under Section 14(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



WP No.23377 of 2023

For the Petitioner : Mr.M.Dharani Dharan

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Dharani Dharan, learned counsel for the petitioner.

The prayer is made not to disturb the possession of the petitioner.

2. The learned State Government Pleader submits that the Securitisation Application is also filed by the petitioner before the Debts Recovery Tribunal and the same is pending. The bank has also filed the Original Application and the same is also pending. Now, the respondents are trying to disturb the possession of the petitioner.

3. If the Securitisation Application is already pending before the



WP No.23377 of 2023

Debts Recovery Tribunal, all the reliefs can be claimed in the pending application. Entertaining the present writ petition would be multiplicity of litigation.

4. The petitioner may make appropriate application before the Debts Recovery Tribunal in the pending application or may take such other proceedings as may be permissible in law. In that event, all the contentions are kept open.

The writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

10.08.2023

Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The Authorized Officer,
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WP No.23377 of 2023

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

(sra)

WP No.23377 of 2023

10.08.2023