



WP No.20757 of 2023

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.AUDIKEVALU

WP No.20757 of 2023
and WMP No.20137 of 2023

S.S.Murugesan

.. Petitioner

-VS-

1.The Recovery Officer,
Debts Recovery Tribunal,
2nd and 3rd floor, Jawans Bahvan,
27-T.B.Road, Coimbatore – 641 018.

2. The Bank of Baroda,
Namakkal Branch,
Paramathi Road,
Namakkal District
Represented by its Manager.

3. Sekar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the order passed by the 1st respondent in Petition No.19/2023 on 28.06.2023 and quash the same as illegal and invalid.

For the Petitioner : Mr.S.Muthukrishnan

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ORDER

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

We have heard Mr.S.Muthukrishnan, learned counsel for the petitioner.

2. We are not inclined to entertain the writ petition. The petitioner has challenged the warrant issued by the Recovery Officer of Debts Recovery Tribunal (DRT) on 28.06.2023. The said order can be challenged before the Presiding Officer, DRT under the provisions of the Recovery of Debts and Bankruptcy Act, 1993. Upon being asked as to whether the order is challenged before the DRT, the learned counsel submits that he will take instructions in that regard.

3. Be that as it may, the order is passed on 28.06.2023. The petitioner could very well have challenged the order before the Presiding Officer and in case, the Presiding Officer did not entertain the said application or had rejected it, the petitioner can take further steps in the matter.



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4. In view of that, as the petitioner has an alternate remedy, he may avail the same. In that event, all the contentions are kept open.

The writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

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

To:

1.The Recovery Officer,
Debts Recovery Tribunal,
2nd and 3rd floor, Jawans Bahvan,
27-T.B.Road, Coimbatore – 641 018.

2. The Manager,
The Bank of Baroda,
Namakkal Branch,
Paramathi Road,
Namakkal District.



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

(sra)

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