



WP No.21555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM :

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

AND

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

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M/S. JJD Fiber Products
Rep. By its Proprietor, D.Abinav : Petitioner

versus

The Authorised Officer
Canara Bank,
Salem Fort Main Branch,
Salem 636 001 : Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the respondent culminating in the auction sale notice dated 3.07.2023 and quash the same.

For the Petitioner : Mr.Kuberan,
for M/s.Rank Associates

ORDER

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

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Heard Mr.Kuberan, learned counsel for the petitioner.

2. The auction sale notice is challenged in this writ petition. According to the learned counsel for the petitioner, as the land in question is an agricultural land, the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002') cannot be made applicable. In view of that, requests this Court to invoke the writ jurisdiction under Article 226 of the Constitution of India.

3. The notice under Section 13(4) of the Act of 2002 refers to the land and buildings situate in the property. Some part of the property is said to be used for commercial purpose. Whether the land as such is an agricultural land or used for commercial purpose is a disputed question of fact. The petitioner has an alternate remedy before the Debts Recovery Tribunal, under the Act of 2002.

4. In view of the fact that alternate remedy is available to the



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petitioner, we are not inclined to entertain the writ petition.

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5. The writ petition as such is disposed of. The petitioner may avail the alternate remedy as may be permissible under law. There will be no order as to costs. Consequently, WMP No.20927 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

21.07.2023

Index : Yes/No

Neutral Citation : Yes/No
tar

To:

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

(tar)

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