



W.P.No.26041 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM :

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

AND

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

W.P.No.26041 of 2023

D.Jayasudha

.. Petitioner

Vs

1.The Registrar,
Debts Recovery Tribunal-III,
Sastri Bhavan, Chennai-600 006.

2.The Authorized Officer,
Union Bank of India,
(Erstwhile Corporation Bank)
Arumparthapuram Branch,
No.6, Ground Floor, Villianur Main Road,
Arumparthapuram,
Pondicherry-605 110.

3.M.Prakash

4.P.Shanthi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari mandamus calling for the records of the first respondent in respect of the impugned order dated 13.4.2023 passed in SARFAESI Application Diary No.191 of 2023 by



W.P.No.26041 of 2023

the Debts Recovery Tribunal-III, Chennai and quash the same as arbitrary and against the principles of natural justice and consequently direct the Debts Recovery Tribunal-III, Chennai to dispose of the S.A. Diary No.191 of 2023 on merits in accordance with law.

For the Petitioner : Mr.R.Munuswamy

ORDER

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

We have heard Mr.R.Munuswamy, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that in spite of the fact that the appellate remedy is available, the writ petition is filed, as the DRT has recorded that there is no appearance on the part of the petitioner. However, four days prior to the order, the change of vakalatnama was filed and the petitioner was very much represented.

3. We are not impressed by the argument. The substantive appeal is provided against the impugned order under the provisions of



W.P.No.26041 of 2023

the Securitisation and Reconstruction of Financial Assets and
Enforcement of Security Interest Act, 2002.

4. Since the petitioner has alternate remedy, we are not inclined
to entertain the present writ petition.

5. In the light of that, the writ petition is disposed of with liberty
to the petitioner to avail the alternate remedy. In that event, all
contentions are kept open. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

07.09.2023

Index : Yes/No

Neutral Citation : Yes/No

bbr

To:

1.The Registrar,
Debts Recovery Tribunal-III,
Sastri Bhavan, Chennai-600 006.

2.The Authorized Officer,
Union Bank of India, (Erstwhile Corporation Ban)
Arumparthapuram Branch,
No.6, Ground Floor, Villianur Main Road,
Arumparthapuram,
Pondicherry-605 110.



WEB COPY



W.P.No.26041 of 2023

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

bbr

W.P.No.26041 of 2023

07.09.2023