



W.P.Nos.30401 & 30402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition Nos.30401 & 30402 of 2022

Luftocean Logistics Pvt. Ltd.
Plot No.2014, 12th Main Road
Anna Nagar West
Chennai 40.

.. 1st Petitioner in
both W.Ps.

Vetrivelan Venugopal

.. 2nd Petitioner in
WP No.30401/22

G.Arun

.. 2nd Petitioner in
WP No.30402/22

Vs.

1. The Presiding Officer
Debts Recovery Tribunal-3
Shastri Bhavan, 6th Floor
Chennai 6.

2. Hinduja Leyland Finance Limited
27A Developed Industrial Estate
Guindy, Chennai 32.

.. Respondents in
both W.Ps.



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Prayer: Writ Petitions under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records in S.A.Nos.9 and 8 of 2020 respectively dated 07.06.2022 on the file of the first respondent and 13(4) notices dated 27.09.2022 and 24.09.2022 respectively issued by the second respondent and quash the same.

For the Petitioners : Mr.R.Subramanian

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petitions have been filed challenging the notices dated 27.09.2022 and 24.09.2022 respectively, issued under Section 13(4) of the SARFAESI Act.

2. Admittedly, as against the impugned notices issued under Section 13(4) of the Act, the petitioners have a remedy of appeal under Section 17 of the Act before the Debts Recovery Tribunal. But, the petitioners, without approaching the Debts Recovery Tribunal, have come up before this Court. Hence, these writ petitions cannot be entertained.



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3. In view of the above, these writ petitions are dismissed. However, the petitioners are at liberty to work out their remedies in the manner known to law. Consequently, WMP Nos.29830 and 29829 of 2022 are also dismissed.

(T.R., ACJ.) (D.B.C., J.)
23.02.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Presiding Officer
Debts Recovery Tribunal 3
Shastri Bhavan, 6th Floor
Chennai 6.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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