



W.P.No.32455 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32455 of 2023

K.Shanmugam

.. Petitioner

Vs.

1. The District Collector
Erode District.
2. The Authorized Officer
Canara Bank, SME Branch
Perundurai, Erode District.
3. M/s.Kun Tyres India Pvt. Ltd.
Plot No.121 and 122, SIPCOT
Industrial Growth, Perundurai 638 052.
4. R.Ravichandran
Managing Director Kun Tyres India Pvt. Ltd.
No.468/11, Silverline Apts.
Bhavani Main Road, Kadhampalayam Pirivu
Perundurai 638 052.
5. R.Sathieswari
Director of Kun Tyres India Pvt. Ltd.
No.468/11, Silverline Apts.
Bhavani Main Road, Kadhampalayam Pirivu
Perundurai 638 052.



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6. M.P.Sathish Kumar
7. Sangeetha
8. S.P.Manimegalai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records pertaining to the impugned proceedings of the first respondent vide Ref:27469/2015/D2 dated 18.08.2016 and quash the same in view of no jurisdiction is vested with the first respondent to pass order under the SARFAESI Act and further no specific reason is stated for the inherent and in-ordinate delay in keeping the said order in cold storage for about five years period without executing the same and was processed vide the memorandum dated 23.05.2023 after the power was taken away from the first respondent.

For the Petitioner : Mr.V.Jayachandran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1

Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.
for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.V.Jayachandran, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader for the first respondent and Mr.P.Raghunathan, learned counsel for M/s.T.S.Gopalan and Co. for the second respondent.



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2. The petitioner is challenging the order dated 18.08.2016 passed by the first respondent under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. The petitioner has already filed an application challenging the same order before the Debts Recovery Tribunal along with an application for condonation of delay. The delay was not condoned. The said order is not assailed. In the absence thereof, the writ petition cannot be entertained. Moreover, the order passed by the Debts Recovery Tribunal can be challenged before the Debt Recovery Appellate Tribunal.

4. Learned counsel submits that the petitioner would challenge the order of the Debts Recovery Tribunal before the Debt Recovery Appellate Tribunal.



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5. The petitioner may avail the alternate remedy, as may be permissible under law. In that event, all contentions of the respective parties are kept open.

6. In the light of that, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.32067 and 32068 of 2023 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

17.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The District Collector
Erode District.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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