



W.P.(MD) No.2492 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2492 of 2023
and W.M.P.(MD)No.2273 of 2023

1.M/s.Sunshine Nails & Bolts,
A Partnership Firm,
Rep. by its Partner J.Jeyavel,
Door No.3-W, 115A, Samanatham,
Iyyanarpuram, Panaiyur Post,
Madurai – 625 009.

2.Jeyavel

3.J.Latha

4.A.Nagarajan

5.S.Paripooranam

... Petitioners

Vs.

The Authorized Officer,
Tamil Nadu Mercantile Bank Ltd.,
Madurai Simmakal Branch,
D.No.28, Naicker New Street,
Sakthi Sivam Theatre Complex,
Simmakal, Madurai – 625 001.

... Respondent



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the Debts Recovery Tribunal, Madurai in proceedings in S.A.No. 07/2023 dated 06.01.2023 and quash the same.

For Petitioners : Mr.R.Subramanian
for Mr.M.Saravanan

For Respondent : Mr.N.Dilipkumar,
Standing Counsel.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the order passed by the Debts Recovery Tribunal, Madurai in S.A.No.07 of 2023, dated 06.01.2023, the petitioners have filed this Writ Petition.

2. Heard Mr.R.Subramanian, learned counsel appearing on behalf of Mr.M.Saravanan, learned counsel for the petitioners and Mr.N.Dilip Kumar, learned Standing Counsel, who takes notice for the respondent.



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WEB COPY 3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. Learned counsel appearing for the respondent – Bank submitted that as against the impugned order, the petitioners have an appeal remedy under Section 19 of the SARFAESI Act and without exhausting such remedy, the petitioners have approached this Court and therefore, this Writ Petition is liable to be dismissed.

5. In view of the aforesaid submissions, this Writ Petition is dismissed. Liberty is granted to the petitioners to avail an appeal remedy under Section 19 of the SARFAESI Act. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

07.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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and
R.VIJAYAKUMAR, J.

vsm

To

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