



W.P(MD)No.3094 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.3094 of 2023
and
W.M.P(MD)No.2880 of 2023**

S.Senthilathiban

... Petitioner

VS.

- 1.The Zonal Manager,
Indian Bank,
No.100/101, East Avani Moola Street,
Madurai Main,
Madurai District.
- 2.The Authorized Officer,
Indian Bank,
Aruppukottai Branch,
Virudhunagar District.
- 3.The District Registrar,
Virudhunagar,
Virudhunagar District.
- 4.The Sub Registrar,
Aruppukkottai Registration Office,
Aruppukottai,
Virudhunagar District.



W.P(MD)No.3094 of 2023

WEB CTR

5.The Deputy Inspector General of Registration,
Thirumohoor Road,
Othakadai,
Madurai.

6.Y.Thiruvenkada Ramanujam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, to declare the entire SARFAESI proceedings initiated by the second respondent bank against the petitioner as culminated in the sale certificate vide his proceedings Nil dated 14.01.2016 vide Doc.No.553 of 2016 registered on the file of the fourth respondent is null and void and illegal and consequentially to direct the respondents to pay adequate compensation to the petitioner for having harassed the petitioner on the pretext of getting back the loan amount within the period stipulated by this Court.

For Petitioner	: Mr.Ajmal Khan Senior Counsel for M/s.Ajmal Associates
For RR 1 & 2	: Mr.S.Suresh Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Declaration, to declare the entire SARFAESI proceedings initiated by the



W.P(MD)No.3094 of 2023

WEB COPY

second respondent bank against the petitioner as culminated in the sale certificate vide proceedings Nil dated 14.01.2016 vide Document No.553 of 2016 registered on the file of the fourth respondent is null and void and illegal and consequently, to direct the respondents to pay adequate compensation to the petitioner for having harassed the petitioner on the pretext of getting back the loan amount within the period stipulated by this Court.

2. After hearing the elaborate arguments made by the learned counsel appearing on either side, this Court is of the view that the petitioner has made out a case for challenging the sale certificate issued by the respondent Bank. However, when there is a provision under the SARFAESI Act and the petitioner being an aggrieved person, he has to challenge the same by way of an appeal before the appropriate forum, namely, the Debts Recovery Tribunal. Without exhausting the appeal remedy, the petitioner has filed the Writ Petition and all the disputed facts cannot be gone into in the present Writ Petition under Article 226 of the Constitution of India.



W.P(MD)No.3094 of 2023

WEB COPY

3. At this juncture, the learned senior counsel appearing for the petitioner seeks liberty to approach the Debts Recovery Tribunal to challenge the sale certificate issued by the respondent Bank.

4. In view of the above, it is always open to the petitioner to approach the Debts Recovery Tribunal and seek further relief, in the manner known to law, if he is so advised.

5. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
16.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.3094 of 2023

WEB COPY

To

- 1.The Zonal Manager,
Indian Bank,
No.100/101, East Avani Moola Street,
Madurai Main,
Madurai District.
- 2.The Authorized Officer,
Indian Bank,
Aruppukottai Branch,
Virudhunagar District.
- 3.The District Registrar,
Virudhunagar,
Virudhunagar District.
- 4.The Sub Registrar,
Aruppukkottai Registration Office,
Aruppukottai,
Virudhunagar District.
- 5.The Deputy Inspector General of Registration,
Thirumohoor Road,
Othakadai,
Madurai.



WEB COPY



W.P(MD)No.3094 of 2023

D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.3094 of 2023

DATED : 16.02.2023