



W.P.(MD)No.5165 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.5165 of 2023

and

W.M.P.(MD)Nos.4859 & 4860 of 2023

T.Marishenbagarajan

... Petitioner

Vs.

Axis Bank Limited,
Through its The Authorized Officer,
A.Chandra Narayanan,
Loan Centre, 4th Floor, Arcot Plaza,
Old No.38, New No.165,
Arcot Road, Kodambakkam,
Chennai-600024.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order passed by the learned Chief Judicial Magistrate, Tirunelveli in Cr.M.P.No.20864 of 2022 dated 05.01.2023 and to quash the same as illegal.

For Petitioner : Mr.T.Wins

For Respondent : Mr.K.Hariharan



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ORDER

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(Order of the Court was made by **R.SUBRAMANIAN, J.**)

This writ petition has been filed challenging the order of the Chief Judicial Magistrate, Tirunelveli, appointing a Commissioner to take over the physical possession of the assets secured under SARFAESI Act.

2.The learned counsel appearing for the respondent would bring to our notice that the petitioner has already approached the Debt Recovery Tribunal, Madurai, in S.A.No.401 of 2021 challenging the notice issued under Section 13(4) of the SARFAESI Act. The interim order of stay has been granted by the Tribunal on 29.12.2021 subject to the condition that the petitioner pays a sum of Rs.4,17,000/- to the bank, on or before 29.10.2021 and another sum of Rs.4,17,000/- on or before 29.11.2021.

3.The learned counsel appearing for the Bank would submit that the said interim orders have not been complied with.



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4.In the said circumstances, we do not see any reason to exercise our extraordinary jurisdiction under Article 226 of the Constitution of India.

This writ petition therefore dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M., J.) & (L.V.G., J.)

09.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

NS

To

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