



W.P.(MD)No.6521 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6521 of 2023

and

W.M.P(MD)No.6178 of 2023

R.Velayutham

: Petitioner

Vs.

**The Authorized Officer/The Recovery Officer,
Cholamandalam Investment and
Finance Company Limited,
No.2/3, G.V.Towers, III Floor,
Melakkal Main Road,
Madurai – 625 016.**

: Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records relating to the impugned order passed by the learned Chief Judicial Magistrate, Sivagangai in Cr.M.P.No.10101 of 2022 dated 20.01.2023 and quash the same as illegal.



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For Petitioner : Mr.J.Senthil Kumaraiah

For Respondent : Mr.P.Pethu Rajesh
Standing Counsel

ORDER

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

Challenge in this writ petition is to the order passed under Section 14 of the SARFAESI Act by the Chief Judicial Magistrate, Sivagangai.

2.Mr.P.Pethu Rajesh, learned Standing Counsel takes notice for the respondent. He would submit that earlier sale notice issued by the bank was challenged before the Debts Recovery Tribunal and the Tribunal had granted stay on certain conditions. Without complying that conditions, the petitioner has chosen to urge this Court challenging the order made under Section 14 of the Act.



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3. We do not think that we can entertain this writ petition. Having failed to comply with the order of the Debts Recovery Tribunal, the petitioner ought to have approached the Debts Recovery Tribunal seeking extension of time or modification. He cannot in the guise of challenging the possession notice obtain another order of stay from this Court.

4. Hence, this writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] & [L.V.G., J.]
27.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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R.SUBRAMANIAN., J

AND

L.VICTORIA GOWRI.,J

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