



W.P(MD)No.10566 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.10566 of 2022
and
W.M.P(MD)Nos.7701 and 7703 of 2022**

A.Manickam

... Petitioner

vs.

1. The Chief Judicial Magistrate
Theni.

2. Mahindra Rural Housing Finance Ltd.,
Sathana House, Behind Mahindra Towers,
Worly, Mumbai - 400 018,
Represented by its Power of Attorney Holder,
Alex Murugan, having office at 1st floor, Unit No.2,
Spencer compound, Dindigul. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records culminating into the order dated 29.03.2022 in Cr.M.P.No.7130 of 2021 u/s. 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI Act) passed by the 1st respondent and set aside the same as illegal.

For Petitioner : Mr.G.Vishnuram
For R2 : Ms.B.Deepa



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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.G.Vishnuram, learned counsel appearing for the petitioner and Ms.B.Deepa, learned counsel appearing for the respondent No.2.

2. The petitioner has challenged the order under Section 14 of the SARFAESI Act. Under order dated 26.05.2022, the petitioner was granted interim protection provided he deposits a sum of Rs.2,00,000/- on or before 09.06.2022 and a further sum of Rs.1,00,000/- on or before 04.07.2022. The petitioner has complied with the said order. It appears that subsequently the matter could not be listed and the petitioner has not deposited any further amount.

3. According to the respondent No.2, the amount of Rs.5,54,756.10/- is outstanding.

4. We asked the learned counsel for the petitioner whether the petitioner will deposit Rs.2,00,000/-. The counsel for the petitioner did not reply in the affirmative.



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5. Learned counsel for the petitioner submits that the petitioner would avail the alternative remedy before the Debts Recovery Tribunal. It is for the petitioner to avail the alternative remedy as may be permissible under law. It is for the petitioner to plead benefit of Section 14 of the Limitation Act, 1963, before the Debts Recovery Tribunal.

6. The Writ Petition is accordingly disposed of. No costs. Connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[C.K., J.]

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Index : Yes / No
Neutral Citation : Yes / No
bala

To

The Chief Judicial Magistrate
Theni.



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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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