



W.P(MD)No.12019 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.12019 of 2023

and

W.M.P(MD)Nos.10351, 10352 and 11333 of 2023

M/s.Frontline Containers Pvt. Ltd.,
Rep. by its Director,
Kailainambinayaham,
S/o Muthuramalingam,
Old No.77/1, New No.123,
2nd Floor, East Madha Church Street,
Royapuram, Chennai-600 013
Also residing at
No.11/204, Kailaibhavan,
Vallalar Street, Kottaram,
Kanyakumari District-629 703.

... Petitioner

-vs-

1. The Authorised Officer,
Punjab National Bank,
Circle Sastra Centre, Chennai North,
Door No.789, Ground Floor,
Spencer Plaza, Anna Salai,
Chennai-600 002.

2. Pravinth Ganesan

3. Shanthi

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4. Muthuselvi

5. Subash

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the Impugned Order dated 29.03.2023 passed in Cr.M.P.No.3407 of 2023, on the file of Learned Chief Judicial Magistrate, Kanyakumari District @ Nagercoil, filed under Section 14 of SARFAESI Act, 2002 by the respondent bank and quash the same as illegal and consequently direct the 1st respondent bank to accept the repayment in installments basis or one time settlement with the waiver of interest.

For Petitioner : Mr.P.M.Vishnuvarthanan
For R1 : Mr.R.Pandivel, Standing Counsel
For R2 to R5 : No appearance

ORDER

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

This writ petition is filed challenging the order dated 29.03.2023 passed in Cr.M.P.No.3407 of 2023 by the Chief Judicial Magistrate, Kanyakumari District, in an application filed under Section 14 of the SARFAESI Act.



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2. As against the said order passed under Section 14 of the SARFAESI Act, the petitioner has effective alternative remedy by way of filing appeal under Section 17 of the SARFAESI Act. This writ petition was entertained since there was no Presiding Officer in the Debts Recovery Tribunal, Madurai. However, now, the Presiding Officer has been appointed and he has also taken charge with effect from 30.06.2023.

3. In that view of the matter, this Writ Petition is dismissed, however, with liberty to the petitioner to approach the Debts Recovery Tribunal. For the purpose of limitation, the period from 15.05.2023 till the date of receipt of a copy of this order shall stand excluded from the period of limitation. No costs. Connected miscellaneous petitions are closed.

[S.V.N., J.]

[D.B.C., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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