



W.P(MD)No.13391 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM:

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

**W.P(MD)No.13391 of 2023
and
W.M.P(MD)Nos.11293 and 11295 of 2023**

Mrs.M.Rohini

... Petitioner

-VS-

The Authorized Officer,
State Bank of India,
RACC, Beach Road,
Thoothukudi.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order passed in Criminal Miscellaneous Petition No.6140 of 2023 dated 03.05.2023 on the file of the learned Chief Judicial Magistrate, Tirunelveli District and quash the same as illegal.

For Petitioner : Mr.S.Muthu Malai Raja

For Respondent : Mr.Pethu Rajesh



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

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This writ petition is filed challenging the order passed in the application filed by the Bank under Section 14 of the SARFAESI Act.

2. Against the said order, the petitioner has an effective alternative remedy before the Debts Recovery Tribunal, Madurai. Therefore, this Court is inclined to dismiss the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

3. However, the petitioner may approach the respondent Bank and submit a representation within a period of two weeks today either for waiver of penal interest or for One Time Settlement or for restructuring the loan or for any other concession, as may be permissible under the guidelines of Reserve Bank of India or the norms applicable to the respondent Bank. The respondents shall consider the same and pass appropriate orders in accordance with law. Till such time, the respondent consider the representation of the petitioner on merits and communicate the decision taken to the



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petitioner, the respondent shall not initiate any coercive action against the petitioner.

[S.S.S.R, J.] [D.B.C., J.]
19.07.2023

Index : Yes / No
Neutral Citation : Yes / No
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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by S.S.SUNDAR, J.)

This Court by order dated 19.07.2023, dismissed the writ petition observing that the petitioner has effective alternative remedy before the Debts Recovery Tribunal with a direction to the respondents to consider the representation of the petitioner.

2. The right preserved to the petitioner to approach the Debts Recovery Tribunal is in tact. However, the learned counsel for the petitioner states that the time taken for prosecuting the writ petition may be excluded for the purpose of limitation. Therefore,



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the following words shall be added in the end of paragraph 2 of the order.

"The petitioner is entitled to seek exclusion of the time taken for pursuing the above writ petition for the purpose of filing SARFAESI application"

3. The learned counsel for the respondent Bank submitted that in the second line of paragraph 3, the word namely, "from" is missing between the words "within a period of two weeks today" to calculate the two weeks time for submitting the representation.

4. In view of the said submission, the words in the second line of paragraph 3, namely, "within a period of two weeks today" shall be read as **"within a period of two weeks from today"** to mean that the petitioner should approach the respondent Bank and submit a representation within a period of two weeks from today(31.07.2023).

5. Registry is directed to carry out the aforesaid corrections



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and issue corrected copy of the order.

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(S.S.S.R., J.) & (D.B.C., J)
31.07.2023

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Note : Issue Corrected Order Copy on 02.08.2023



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D.BHARATHA CHAKRAVARTHY, J.

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