



W.P.(MD) No.13606 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM:

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

**W.P.(MD) No.13606 of 2023
and
W.M.P.(MD) Nos.11470 & 11471 of 2023**

K.P.Loganathan

... Petitioner

-VS-

1.The Authorized Officer,
Canara Bank,
Koothoor Branch, Trichy.

2.The Chief Manager,
Canara Bank,
Teppakulam Main Branch,
Trichy,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the possession notice dated 08.05.2023 under Section 13(4) of the SARFAESI Act issued by the second



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respondent and quash the same and consequently forbearing the respondents from selling the schedule of the property in the possession notice dated 08.05.2023 “ All parts and parcels of the property and building situated in Trichirappalli District, Srirengam Sub-Registrar Office, Lalgudi Taluk, Koothur Village, an extent of Acre 0.33 including 30 numbers of coconut trees in Ayan Punjai S.F.No.47/3B” or any other impediment to be made in the petitioner's property.

For Petitioner : Ms.Mahalakshmi

For R-1 & R-2 : Mr.N.Dilip Kumar, Standing Counsel

ORDER

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

Challenge in this writ petition is to the possession notice issued by the second respondent, dated 08.05.2023.

2. It is represented by the learned counsel for the petitioner that there is no Presiding Officer in the Debts Recovery Tribunal, Madurai and hence, the petitioner has filed this writ petition.



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3. Mr.N.Dilip Kumar, learned Standing Counsel, who takes notice for the respondent – Bank, would submit that now, the Presiding Officer has been appointed and he has also taken charge.

4. Hence, we are not inclined to accept the contentions of the petitioner on two grounds. Firstly, when there is effective alternative remedy, the Honourable Supreme Court has categorically held that High Courts shall not entertain any writ petition. Secondly, even assuming that there is no Presiding Officer in the Debts Recovery Tribunal, Madurai, there is a Presiding Officer in the Debts Recovery Tribunal, Coimbatore, who is in-charge of the Debts Recovery Tribunal, Madurai.

5. Now, since the Presiding Officer has been appointed and the Debts Recovery Tribunal, Madurai, is functioning, the petitioner has got effective alternative remedy before the said Tribunal.

6. In view of the same, we are not inclined to entertain this writ petition and the writ petition is, therefore, dismissed with liberty to the petitioner to



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approach the Debts Recovery Tribunal, Madurai, for redressal of his grievance.

No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.N., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

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