



W.P.(MD) No.13605 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13605 of 2023
and
W.M.P.(MD) No.11486 of 2023**

D.Anandan

... Petitioner

-VS-

1. The Debt Recovery Tribunal,
4th Floor, Kalyani Tower, Melur Road,
Madurai.
2. Authorized Officer,
Tamil Nadu Mercantile Bank,
Regional Office, Besant Road,
Chokkikulam, Madurai, Pin 625 002,
(For Usilampatti Branch).
3. The Branch Manager,
Tamilindu Mercantile Bank,
Usilampatti Branch, Madurai Main Road,
Usilampatti 625532.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned possession notice issued by the Second Respondent dated 29.05.2023 under section - 13(4) of the SARFAESI Act, 2002 and quash the same.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.P.Pethu Rajesh
for R2 and R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Pethu Rajesh, learned counsel takes notice for the respondent – Bank.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The petitioner's challenge is to the possession notice issued by the Bank under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



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4. The learned counsel appearing for the petitioner would submit that the petitioner has in fact paid more than the amount due under the loan and the same has not been properly accounted for by the Bank.

5. Considering the scope of our jurisdiction under Article 226 of the Constitution of India, we do not think we can go into the said question and decide upon evidence. Hence, we are unable to entertain the writ petition. Therefore, the writ petition stands dismissed with liberty to the petitioner to move the jurisdictional Debts Recovery Tribunal. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

12.06.2023

NCC : No
Index : No
Internet : Yes
PKN

To

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