



W.P(MD)No.14921 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.14921 of 2023
and
W.M.P(MD)No.12591 of 2023**

S.R.Parani

... Petitioner

-VS-

1. Karnataka Bank Limited,
Asset Recovery Management Branch,
No.324, Ground Floor,
Thambu Chetty Street,
Chennai.
Rep. by Authorised Officer,
Prasanna N.Pavaskar

2. Mr.K.Senthilkumar
Ms.No.2881/2013,
Advocate / Commissioner,
Appointed by the
Hon'ble Chief Judicial Magistrate,
Trichirappalli.

3. The Inspector of Police,
Cantonment Police Station,
Trichirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the



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records relating to the impugned order in Cr.M.P.No.2276 of 2022 dated 18.10.2022 on the file of the Learned Chief Judicial Magistrate, Trichirappalli, and quash the same as illegal and consequently to forbear the respondent from in anyway dispossessing the petitioner from the Residential Flat bearing No.E measuring 1150 Sq.ft situated at 3rd Floor in "Royal Fantasy Building" together with land measuring 203 Sq.ft. in common area and car parking in stilt floor and undivided share of land admeasuring 502.82 Sq.ft out of 14400 Sq. ft. in T.S.No.1/1 part (New T.S.No.1/1 part (New T.S.No.1/1A) situated at Block No.5 Old Ward No.K SBI Officers Colony Road Cantonment K.Abhishekarapuram Village, Trichirappalli.

For Petitioner : Mr.V.Santhakumaresan
For R1 : Mr.N.S.Karthikeyan
For R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

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

This Court finds that the petitioner challenges the order passed by the learned Chief Judicial Magistrate, Trichirappalli, in the application filed by the Bank under Section 14 of the SARFAESI Act. Despite this Court granted an interim order subject to conditions, the petitioner is unable to comply with the conditions. Therefore, this



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Court finds no *bona fides* in this writ petition. It is now stated that the possession of the secured property is taken by the respondent Bank.

2. In these circumstances, the Writ Petition is dismissed with liberty to the petitioner to approach the Debts Recovery Tribunal. No costs. Connected miscellaneous petition is closed.

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

Index : Yes / No
Neutral Citation : Yes / No
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To

The Inspector of Police,
Cantonment Police Station,
Trichirappalli.



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and
D.BHARATHA CHAKRAVARTHY, J.

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