



W.P.(MD) No.15626 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.15626 of 2023
and
W.M.P.(MD) Nos.13121 & 13122 of 2023**

Amrath D Patel

... Petitioner

-VS-

1.The Authorized Officer
M/s.City Union Bank Limited
Administrative Office No.24-B
Gandhi Nagar
Kumbakonam-612 001

2.The Authorised Officer
City Union Bank Limited
Tiruchirapalli SIGC Campus Branch
23, Kalamman Kovil Street
Tiruchirapalli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the impugned sale notice issued by the respondent bank U/s.8(6) of SARFAESI Act, dated 12.06.2023 and to quash the same as illegal.



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For Petitioner : Mr.A.B.Jeeva

For Respondents : 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 sale notice, dated 12.06.2023, issued by the respondent – Bank.

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.

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



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not entertain any writ petitions. Secondly, even assuming that there is no Presiding Officer in the Debts Recovery Tribunal, Madurai, there is a Presiding Officer at Coimbatore Debts Recovery Tribunal, 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 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
Internet : Yes / No

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