



W.P.(MD) No.15660 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.15660 of 2023
and
W.M.P.(MD) No.13144 of 2023**

S.Kavitha

... Petitioner

-VS-

The Authorized Officer
Canara Bank
Thirunagar
Madurai District-625 006

... Respondent

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 under Section 13(4) r/w Rule 8(6) of SARFAESI Act dated 13.06.2023, by the respondent bank and to quash the same as illegal.

For Petitioner : Mr.M.Sankar

For Respondent : Mr.P.Madhan Alexander
Standing Counsel

Page 1 of 4



WEB COPY

W.P.(MD) No.15660 of 2023

ORDER

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

Challenge in this writ petition is to the sale notice, dated 13.06.2023, 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.P.Madhan Alexander, 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 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.



WEB COPY

W.P.(MD) No.15660 of 2023

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 her grievance. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.N., J.]

[D.B.C., J.]

03.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



WEB COPY



W.P.(MD) No.15660 of 2023

S.VAIDYANATHAN, J.
and
D.BHARATHA CHAKRAVARTHY, J.

krk

W.P.(MD) No.15660 of 2023
and
W.M.P.(MD) No.13144 of 2023

03.07.2023