



W.P.(MD) No.15873 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.15873 of 2023
and
W.M.P.(MD) Nos.13287 & 13288 of 2023**

P.Malliga

... Petitioner

-VS-

1.Piramal Capital & Housing Finance Ltd.,
Formerly known as Dewan Housing Finance Ltd.,
rep.by its Authorized Officer
Having its registered office at
Unit No:601, 6th Floor
Amriti Building, Agastys Corporate Park
Kamani Junction, Opp. Fire Station
LBS Marg, Kurla (West), Mumbai-400 070

2.The Branch Manager
Piramal Capital & Housing Finance Ltd.,
Formerly known as Dewan Housing Finance Ltd.,
Tirunelveli Branch – Palayamkottai
Tirunelveli

... 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 possession notice issued by the first respondent in his proceedings “Nil” e dated 20.05.2022 and quash the same as illegal.



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W.P.(MD) No.15873 of 2023

For Petitioner : Mr.T.Lenin Kumar

ORDER

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

Challenge in this writ petition is to the possession notice, dated 20.05.2022, issued by the respondent – Financial Institution.

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. It is brought to our notice that now, the Presiding Officer has been appointed to the Debts Recovery Tribunal, Madurai, 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



W.P.(MD) No.15873 of 2023

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 her grievance. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.N., J.]

[D.B.C., J.]

03.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.P.(MD) No.15873 of 2023

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krk

W.P.(MD) No.15873 of 2023
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