



W.P(MD)No.15857 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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and

W.M.P(MD)Nos.13272 and 13273 of 2023

M/s. KSK Traders
Represented by its Sole Proprietor,
R.Suresh, S/o. Mr.Raman,
Having Business at,
No.9, North Street, Attur Main Road,
Sikkathambur North,
Thuraiyur Taluk,
Trichy District-621 008.
Residing at No.6/237, Gandhi Nagar,
Kottathur Post, Musiri Taluk,
Trichy District-621 004.

... Petitioner

-VS-

1. The Authorized Officer,
State Bank of India,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai-625 020.

2. The Branch Manager,
State Bank of India,
Door No.2A & 2B,



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R.K. & K.K. Commercial Building,
Trichy Road,
Thuraiyur Town & Taluk,
Trichy District-621 010.

3. M/s. State Bank of India,
Having its Registered Office at Mumbai and
One of its Branches namely Thuraiyur,
Now represented by
Stressed Asset Recovery Branch, SARB,
Vinayaga Nagar Branch, First Floor,
No.8, Dr.Amedkar Road, Madurai,
Rep. by its Authorized Officer,
Mr.N.Suresh Babu, S/o.Mr.N.Narayanan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order dated 10.03.2023 passed in Crl.M.P.No.35507 of 2022 on the file of the Chief Judicial Magistrate, Tiruchirappalli and to quash the same and consequently direct the Respondents to provide One Time Settlement offer to the Petitioner and to permit him to settle the Asset Backed Loan (Loan A/c No. 37585934644), Term Loan-I (Loan A/c No.37908784093) and Term Loan-II (Loan A/c No.39428705779) without insisting to settle another Agricultural Loan obtained by the petitioner which is no way connected to the present Impugned Order.

For Petitioner : Mr.M.R.Sreenivasan
For R1 to R3 : Mr.C.Karthick



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ORDER

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

Challenging the order passed under Section 14 of the SARFAESI Act, this writ petition is filed.

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.C.Karthick, learned counsel who takes notice for the respondents – Bank, would submit that now, the Presiding Officer has been appointed in the Debts Recovery Tribunal at 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 Presiding Officer in the Debts Recovery Tribunal, Madurai, there is a Presiding



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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.

7. At this juncture, learned counsel for the petitioner sought time to the petitioner to approach the Debts Recovery Tribunal.

8. Considering the aforesaid request made by the learned counsel for the petitioner, fifteen days time from the date of receipt of a copy of this order, is granted to the petitioner to approach the Debts Recovery Tribunal, if the time prescribed under the SARFAESI Act to move the Tribunal, has already expired. If the petitioner does not approach the Debts Recovery



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Tribunal within the time granted supra, it is open to the Bank to take appropriate action in accordance with law No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.N., J.] [D.B.C., J.]
04.07.2023

Index : Yes / No
Neutral Citation : Yes / No
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