



W.P.(MD) No.16139 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM:

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

W.P.(MD) No.16139 of 2023

and

W.M.P.(MD) Nos.13527 and 13529 of 2023

Mary Vijaya

... Petitioner

-VS-

1.The Reserve Bank of India,
No.6, Rajaji Road,
Fort St. George,
Chennai.

2.The Authorized Officer,
Aptus Value Housing Finance India Ltd.,
No.8B, Doshi Towers,
205, Poonamallee High Road,
Kilpauk,
Chennai – 600 010.

3.The Branch Manager,
Aptus Value Housing Finance India Ltd.,
No.78, Dhasragam,
2nd Floor, WCC Road,
Nagercoil,
Kanyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned public auction sale notice issued by the second respondent dated 13.03.2023 and public auction sale is scheduled to be held on 27.04.2023 and quash the same on the ground that the same is arbitrary, illegal.

For Petitioner : Mr.G.Ramanathan

For R-2 & R-3 : Mr.R.Sukumar, Standing Counsel

ORDER

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

Challenge in this writ petition is to the impugned public auction sale notice issued by the second respondent, dated 13.03.2023.

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.



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3. Mr.R.Sukumar, 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 petition. Secondly, even assuming that there is no Presiding Officer in the Debts Recovery Tribunal, Madurai, there is a Presiding Officer in the Debts Recovery Tribunal, Coimbatore, 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



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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

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