



W.P.(MD) No.15849 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.15849 of 2023
and
W.M.P.(MD) Nos.13266 & 13267 of 2023**

1.K.Raja

2.R.Murugeswari

3.R.Manikandan Supplies
35D, Banadurai North Street
Kumbakonam
Thanjavur-612 001

... Petitioners

-vs-

M/s.Cholamandalam Investment
and Finance Com., Ltd.,
2/3, G.V.Towers, III Floor
Melakkal Main Road
Madurai-625 016
rep.by its Authorized Officer

... Respondent

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 order in CrI.M.P.No.253 of 2023, dated 12.06.2023, on the file of Chief Judicial Magistrate, Thanjavur at Kumbakonam and quash the same as illegal.



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For Petitioners : Mr.C.Padma Raj

For Respondent : Mr.P.Pethu Rajesh, Standing Counsel

ORDER

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

Challenge in this writ petition is to the order dated 12.06.2023, passed in CrI.M.P.No.253 of 2023, by the learned Chief Judicial Magistrate, Thanjavur @ Kumbakonam, directing to take possession of the secured asset.

2. It is represented by the learned counsel for the petitioners that there is no Presiding Officer in the Debts Recovery Tribunal, Madurai and hence, the petitioners have filed this writ petition.

3. Mr.P.Pethu Rajesh, 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 petitioners 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 petitioners have 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 petitioners to approach the Debts Recovery Tribunal, Madurai, for redressal of their 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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To:
The Chief Judicial Magistrate,
Kumbakonam.



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