



W.P.(MD) No.15929 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.15929 of 2023
and
W.M.P.(MD) Nos.13339 & 13341 of 2023**

M.Ravichandran

... Petitioner

-VS-

- 1.The Authorised Officer,
Tamilnad Mercantile Bank Ltd.,
Thoothukudi Regional Office,
No.14, Palayamkottai Road,
Thoothukudi – 628 003.
- 2.The Branch Manager,
Tamilnad Mercantile Bank Ltd.,
Athipatti Branch, Door No.283, Athipatti Road,
Aruppukottai, Virudhunagar District – 626 101.
- 3.M.Selvaraj,
Proprietor of M/s.Lakshmi Enterprises
- 4.M.Selvaraj



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5.R.Muthu Mariappan

6.M.Rajkumar

7.M.Thiyarajan

8.B.Chittibabu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned Sale Certificate dated 23.11.2021 issued by the first respondent and consequent impugned Sale Certificate dated 01.12.2021 registered as Document No.7641/2021 on the file of the Sub-Registrar, Aruppukottai executed by the first respondent in favour of the eighth respondent in respect of the petitioner property bearing Plot No.56, measuring an extent of 1950.50 sq. ft. comprised in Old Survey No.271/1, New Survey No.271/1A, T.S.No.5/31, Block No.6, Ward F, Situated in Nethaji Veethi, Aruppukottai Town, Virudhunagar District and quash the same as illegal.

For Petitioner : Mr.B.Muneeswaran

For R-1 & R-2 : Mr.P.Pethu Rajesh, Standing Counsel



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ORDER

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

Challenge in this writ petition is to the Sale Certificate dated 23.11.2021 issued by the first respondent and the consequent Sale Certificate dated 01.12.2021 registered as Document No.7641/2021 on the file of the Sub-Registrar, Aruppukottai, in respect of the subject property.

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.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 petitioner on two grounds. Firstly, when there is effective alternative remedy, the Honourable Supreme Court has categorically held that High Courts shall not



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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 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
pm



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and
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