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W.P.(MD) No.17095 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM:

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

**W.P.(MD) No.17095 of 2023
and
W.M.P.(MD) No.14313 of 2023**

Alagumalai

... Petitioner

-vs-

1.The Regional Manager
Canara Bank, Thoothukudi
Thoothukudi District

2.The Authorised Officer
Canara Bank
Srivilliputhur Branch
RC Church Compound
Sattur Road, Srivilliputhur
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for records relate to the impugned possession notice dated 18.05.2023, issued by the second respondent and quash the same as illegal.

For Petitioner : Mr.T.Indrachithu



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

This writ petition is filed challenging the possession notice, dated 18.05.2023, issued by the respondent – Bank under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The petitioner has an effective alternative remedy of approaching the Debts Recovery Tribunal by way of an appeal as against the impugned possession notice. This Court and the Honourable Supreme Court has repeatedly held that writ petition under Article 226 of the Constitution of India is not maintainable, when the petitioner has an effective alternative remedy to workout his remedy. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

17.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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