



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2023**

CORAM:

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

**W.P(MD)NO.20276 OF 2023
and
W.M.P(MD)Nos.16730 and 16731 of 2023**

M.Parvathi

:Petitioner

.VS.

Equitas Small Finance Bank Limited,
represented by its The Authorized Officer,
Mallaiyaraj,
No.94, Thiruvalluvar Salai,
Dindigul – 624 001.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Cr.M.P.NO.4289 of 2023, dated 0606.2023, on the file of the learned Chief Judicial Magistrate, Theni and to quash the same as illegal and consequently to direct the respondent to restructure the Petitioner's loan.

For Petitioner

:Mr.R.Shankar Ganesh

For Respondent

:Mr.M.Ponniah



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ORDER

This Writ Petition is filed challenging the order of the learned Chief Judicial Magistrate, Theni in CrI.M.P.NO.4289 of 2023, dated 06.06.2023 in an application filed by the respondent-Bank under Section 14 of the SARFAESI Act for taking possession of the petition mentioned property.

2.Mr.M.Ponniah, learned counsel takes notice for the respondent/Bank. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Though the order is dated 6.6.2023, the Petitioner has come to this Court by filing this Writ Petition only on the ground that the Advocate Commissioner has fixed the date as 22.08.2023 for taking possession of the petition mentioned property.

4.Having regard to the admitted facts, this Court is not inclined to entertain the Writ Petition for the reason that the Petitioner has an effective alternative remedy of approaching the Debts Recovery Tribunal by filing a SARFAESI Application challenging the impugned order.



5.Hence, the Writ Petition stands dismissed with liberty preserved to the Petitioner to approach the Debts Recovery Tribunal for necessary relief, in the manner known to law. No costs. Considering the request made by the learned counsel for the Petitioner, the order impugned herein shall be kept in abeyance for a period of one week from today. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R.,J.] [D.B.C,J.]
21.08.2023

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

vsn



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)No.20276 of 2023

and

**W.M.P(MD)Nos.16730 and
16731 of 2023**

21.08.2023