



W.P.(MD) No.21114 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.21114 of 2023

and

W.M.P.(MD) Nos.17516, 17517 & 17519 of 2023

Sundar Raj

... Petitioner

-VS-

1.The Manager
Jana Small Finance Bank
74, Lucky Land Plaza
Salai Road, Trichy - 18

2.The Authorized Officer
Jana Small Finance Bank
74, Lucky Land Plaza
Salai Road, Trichy - 18

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the second respondent possession notice dated 24.06.2023 issued under Section 13(2) of SARFAESI ACT r/w Rule 3 of the Security Interest (Enforcement) Rules 2002 and quash the same as illegal.



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For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.S.Babu, Standing Counsel

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.S.Muthukrishnan, learned counsel appearing for the petitioner and Mr.S.Babu, learned Standing Counsel, appearing for the respondent – Bank.

2. The petitioner is challenging the possession notice issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Section 13(4) of the said Act only indicates symbolic possession.

4. The petitioner has a remedy before the Debts Recovery Tribunal.
It is for the petitioner to avail the alternative remedy.

5. In that event, all the contentions are kept open.



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6. Learned Standing Counsel appearing for the respondent – Bank submits that learned Chief Judicial Magistrate has also passed an order under Section 14 of the SARFAESI Act.

7. The said order is not assailed in this writ petition. Even otherwise, the said order can also be challenged before the Debts Recovery Tribunal.

8. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., .C.J.]

[C.K., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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