



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.09.2023**

CORAM:

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

**W.P(MD)NO.23359 OF 2023
and
W.M.P(MD)Nos.19547 and 19548 of 2023**

M.Amarin Sabaral

:Petitioner

.VS.

1.The Authorized Officer/
Chief Manager,
Canara Bank,
Kovilpatti Branch,
Thoothukudi District.

2.The Branch Manager,
Canara Bank,
Raja Pudukudi Branch,
Thoothukudi District.

: Respondents

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 relating to the impugned Possession Notice, dated 05.09.2023 issued by the first respondent Bank under Section 13(4) of SARFAESI Act and quash the same as illegal and consequently to direct the respondents to regularize the housing loan account A/C.No.5399619000006 maintained in the second respondent Bank.



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For Petitioner :Mr.R.Ponkarthikeyan

For Respondents :Mr.V.Balasubramaniam

ORDER

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed challenging the possession notice issued under Section 13(4) of the SARFAESI Act.

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

3.The Petitioner has an effective alternative remedy of filing a SARFAESI Application before the Debts Recovery Tribunal challenging the possession notice or any other proceedings that may be issued by the respondents/Bank towards recovery of loan.

4.Therefore, leaving it open to the Petitioner to approach the Debts Recovery Tribunal to challenge the order impugned in the Writ Petition, in the manner known to law, this Writ Petition stands



dismissed. No costs. Consequently, connected Miscellaneous
Petitions are dismissed.

[S.S.S.R.,J.] [D.B.C,J.]
25.09.2023

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

vsn

To

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Thoothukudi District.
- 2.The Branch Manager,
Canara Bank,
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Thoothukudi District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY,J.

vsn

ORDER MADE IN

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