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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.09.2023**

**CORAM:**

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

**W.P(MD)NO.23877 OF 2023  
and  
W.M.P(MD)Nos.20037 and 20039 of 2023**

P.S.V.Gopal Chettiar

:Petitioner

.VS.

The Authorized Officer,  
M/s.The Karur Vysya Bank,  
Karur Divisional Office,  
P.B.No.91, No.633-637,Ist Floor,  
Jawahar Nagar,  
Karur District.

: 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 possession notice, dated 7.9.2023 and to quash the same as illegal and not to disturb the peaceful possession of the Petitioner's properties in S.F.No.116/1, Chinna Andar Street, Vaigainallur North Village, Kulithalai Town, Kulithalai Taluk, Karur District.

For Petitioner

:Mr.K.Dinesh



## **ORDER**

**\*\*\*\*\***

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

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned possession notice, dated 7.9.2023 and to quash the same as illegal and not to disturb the peaceful possession of the Petitioner's properties in S.F.No.116/1, Chinna Andar Street, Vaigainallur North Village, Kulithalai Town, Kulithalai Taluk, Karur District.

2.Heard the learned counsel appearing for the Petitioner and the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner has an effective alternative remedy by way of approaching the Debts Recovery Tribunal by filing a SARFAESI Application. The impugned notice is just a possession notice issued in terms of Section 8 of the SARFAESI Rules. If the Petitioner wants to settle the amount with the respondent Bank, it is open to the Petitioner to file an application before the Debts Recovery Tribunal either for one time settlement or concession or waiver of interest or



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for any other relief, within a period of two weeks from the date of receipt of a copy of this order. If such application is filed, the respondent Bank may consider the same in accordance with law within a period of four weeks from the date of receipt of such application from the Petitioner. The respondent Bank shall not take any coercive steps till the application filed by the Petitioner is considered and disposed of. It is also open to the Petitioner to challenge the order impugned in the Writ Petition before the Debts Recovery Tribunal, if so advised, in the manner known to law.

4. With the above directions, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[S.S.S.R.,J.] [D.B.C,J.]**  
**29.09.2023**

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

vsn

To

3/5



The Authorized Officer,  
M/s.The Karur Vysya Bank,  
Karur Divisional Office,  
P.B.No.91, No.633-637,Ist Floor,  
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Karur District.

**S.S.SUNDAR, J.**



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**AND**  
**D.BHARATHA CHAKRAVARTHY,J.**

vsn

**ORDER MADE IN**  
**W.P(MD)NO.23877 OF 2023**  
**and**  
**W.M.P(MD)Nos.20037 and 20039 of 2023**

**29.09.2023**