



W.P.(MD).No.26005 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.26005 of 2022
and
W.M.P.(MD).No.20149 of 2022

R.Ramar

.. Petitioner

Vs.

1.The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur,
Srivilliputhur.

2.The Authorized Officer,
Cholamandalam Investment and Finance Company Limited,
Door No.2/3, G.V.Towers, 3rd Floor,
Opp.To Fenner India,
Melakkal Road,
Madurai.

3.M.Maripandian

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records in pursuance to the 1st respondent's impugned order in CrI.M.P.No.48 of 2021 passed under Section 14 of the SARFAESI Act dated 27.08.2022 and quash the same as devoid on merits.



W.P.(MD).No.26005 of 2022

For Petitioner : Mr.S.Selvakumar
For R-1 : Court
For R-2 : No appearance

ORDER

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

The present Writ Petition has been filed challenging the order passed by the first respondent in CrI.M.P.No.48 of 2021 dated 27.08.2022 under Section 14 of the SARFAESI Act.

2. The petitioner claims to be a lessee/tenant of the property, which is the subject matter of mortgage with the second respondent financial institution. The said financial institution, for the default committed by the third respondent, has initiated proceedings under the SARFAESI Act.

3. The only remedy available to the petitioner is to invoke the appellate provision under Section 17 of the SARFAESI Act. The issue whether he is a lessee or otherwise requires evidence, which cannot be gone into in a Writ Petition.



W.P.(MD).No.26005 of 2022

4. In view of the above, granting fifteen (15) days' time to file an appeal before the Debts Recovery Tribunal (DRT), the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
27.11.2023

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

To

The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur,
Srivilliputhur.



WEB COPY



W.P.(MD).No.26005 of 2022

S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

Lm

W.P.(MD).No.26005 of 2022

27.11.2023