



W.P(MD)No.26001 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2023

CORAM:

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

W.P(MD)No.26001 of 2022

and

W.M.P(MD)Nos.20145 & 20146 of 2022 and 12782 of 2023

P.Chinnasamy

... Petitioner

-VS-

1. The Chief Judicial Magistrate,
Madurai.

2. M/s.Shriram Transport Finance Company Limited,
Rep. by its Authorized Officer,
K.Rajkumar, S/o. Karuppaiah,
No.81, 3rd Floor, P.K.N.A Complex,
Bye Pass Road, Madurai-625014.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records cumulating into the order dated 08.09.2022 in Cr.M.P.No.1225 of 2022 passed u/s. 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) by the 1st respondent and quash the same as illegal.

For Petitioner : Mr.N.Sundaresan

For 2nd Respondent : Mr.Ananth C.Rajesh
Standing Counsel



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

The Petitioner has filed this Writ Petition challenging the order dated 08.09.2022, passed by the learned Chief Judicial Magistrate, Madurai, in Cr.M.P.No.1225 of 2022 u/s. 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

2. Heard Mr.N.Sundaresan, learned counsel for the petitioner and Mr.Ananth C. Rajesh, learned Standing Counsel for the second respondent.

3. The learned counsel appearing for the petitioner states the Arbitration Award in respect of the same claim is the subject matter of Arbitration O.P.No.7 of 2022, before the District Court concerned.

4. However, this Court finds no reason to entertain the Writ Petition as the petitioner has an effective alternative remedy of approaching the Debts Recovery Tribunal, challenging the impugned order.



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5. With the liberty preserved to the petitioner to approach the Debts Recovery Tribunal challenging the impugned order, this Writ Petition is dismissed. The period taken by the petitioner to pursue this Writ Petition shall stand excluded for the purpose of limitation. The second respondent shall not take any coercive action for a period of two weeks from today. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[S.S.S.R, J.] [D.B.C., J.]
02.08.2023

Index : Yes / No
Neutral Citation : Yes / No
sj

To

The Chief Judicial Magistrate,
Madurai.



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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

sj

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