



WEB COPY

W.P.(MD) Nos.26404 & 26405 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) Nos.26404 & 26405 of 2022
and
W.M.P.(MD) Nos.20586 & 20587 of 2023**

W.P.(MD) No.26404 of 2022:

M.Ramar

... Petitioner

-VS-

- 1.The Authorized Officer
Bank of Baroda
Zonal Office
New No.41, Old No.101
1st Floor, Baroda Pride
Luz Church Road
Kabalithottam, Mylapore
Chennai-600 004
- 2.The Authorized Officer
Bank of Baroda
Regional Office
Ponmeni, Madurai District



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3.The Chief Manager / Authorized Officer

Bank of Baroda

Sivakasi Branch

Ayyan Complex

Opposite to Sivakasi Bus Stand

Sivakasi-626 123

Virudhunagar District

4.The Sub Inspector of Police

East Police Station

Sivakasi

Virudhunagar District

5.S.Seenivasan

6.S.Pavithra

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned possession notice issued by the third respondent in Nil proceedings dated 21.10.2022 and quash the same as illegal and consequently direct the third respondent to close the loan account in No.33090500004892 and consequently to release the document mortgaged for the said loan.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.B.Rajesh Saravanan for R1 to R3
Mr.M.Veerenthiran
Government Advocate (Crl.Side) for R4
Mr.M.Ramkumar for R5 & R6



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W.P.(MD) No.26405 of 2022:

M/s.Vel Flexi Packs
rep.by its Partner M.Ramar (M/49)
S/o.Madasamy
Door No.6/1155D, Indira Nagar
Narayanapuram road
Sivakasi-626 189
Virudhunagar District

... Petitioner

-vs-

- 1.The Authorized Officer
Bank of Baroda
Zonal Office
New No.41, Old No.101
1st Floor, Baroda Pride
Luz Church Road
Kabalithottam, Mylapore
Chennai-600 004
- 2.The Authorized Officer
Bank of Baroda
Regional Office
Ponmeni, Madurai District
- 3.The Chief Manager / Authorized Officer
Bank of Baroda
Sivakasi Branch
Ayyan Complex
Opposite to Sivakasi Bus Stand
Sivakasi-626 123
Virudhunagar District



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4.The Sub Inspector of Police
East Police Station
Sivakasi
Virudhunagar District

5.S.Seenivasan

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... Respondents

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For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.B.Rajesh Saravanan for R1 to R3
Mr.M.Veerenthiran
Government Advocate (Crl.Side) for R4
Mr.M.Ramkumar for R5 & R6

COMON ORDER

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

The possession notices, dated 21.10.2022, issued by the respondent – Bank, are sought to be quashed in the present writ petitions.



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2. The writ petitions are not entertainable, since action was initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and if aggrieved, the petitioners are at liberty to approach the jurisdictional Debts Recovery Tribunal for redressal of their grievance. Granting fifteen days time from the date of receipt of a copy of this order to the petitioners to approach the jurisdictional Debts Recovery Tribunal, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

20.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note:

The Registry is directed to return the original possession notice, dated 21.10.2022, to the learned counsel for the petitioners, after obtaining due acknowledgement and retaining a copy of the same for file.

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To:
The Sub Inspector of Police,
East Police Station,
Sivakasi,
Virudhunagar District.



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

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W.P.(MD) Nos.26404 & 26405 of 2022
and
W.M.P.(MD) Nos.20586 & 20587 of
2023

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