



W.P.(MD)No.25090 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.10.2023

CORAM

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

W.P.(MD)No.25090 of 2023
and W.M.P.(MD) Nos.21282 and 21283 of 2023

S.V.Amrutha

...Petitioner

-Vs.-

1.The Authorized Officer,
Chief Manager,
State Bank of India,
Stressed Assets Recovery Branch,
No.8, Dr. Ambedkar Road,
Vinayaga Nagar Branch,
Madurai – 625 020.

2.S.J.Vijayaragavan

3.V.Sujith Kumar

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, to call for records relating to the impugned order dated 19.07.2023 in Cr.M.P.No.475 of 2023 on the file of the Chief Judicial Magistrate, Madurai u/s 14 of SARFAESI and quash the same as the same is arbitrary, illegal and ultra-vires and violation of principles of natural justice in respect of petitioner's ½ share



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in the property comprised in S.No.13/5B and 13/9 to an extent of 41 cents situated at Mangalakudi Village, Othakadai Subdivision, Madurai District.

For Petitioners : Mr.R.G.Shankar Ganesh

For Respondent : Mr.D.Sivaraman
Standing Counsel for R1

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The writ petitioner filed W.P.(MD) No.24214 of 2023. By order dated 06.10.2023, while dismissing the Writ Petition, we have granted liberty to the petitioner to move an interlocutory application for injunction before the Principal District Court, Madurai in O.S.No.20 of 2023.

2. Learned counsel for the petitioner reports that the trial Court has not numbered the application. Therefore, challenging the consequential proceedings to the proceedings challenged in W.P.(MD) No.24214 of 2023, the present Writ Petition has been filed. When the Writ Petition challenging proceedings initiated under Section 13(8) of SARFAESI Act has been dismissed holding the remedy of the party is



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only before the Civil Court or the DRT, the challenge of consequential proceedings by way fresh Writ Petition is not maintainable.

3. Learned counsel for the petitioner would submit that he has moved an interlocutory application in I.A.SR.No.2182 of 2023. Suffice it to request the V Additional District Judge, Madurai, before whom O.S.No.20 of 2023 is pending today, to take up the application filed for injunction and dispose of it on merits.

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

[S.M.S.J.] & [V.L.N.J.]
17.10.2023

NCC :Yes/No
Index :Yes/No
SJ



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AND
V. LAKSHMINARAYANAN, J.

SJ

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