



W.P.(MD)No.25155 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.25155 of 2023

and

W.M.P(MD) Nos.21377 and 21379 of 2023

Amutha

... Petitioner

Vs.

1.The Authorized Officer/Chief Manager,  
UCO Bank,  
Karungulam Branch,  
1/3-6 Tirunelveli, Tiruchendur Main Road,  
Karungulam, Tuticorin – 628 615.

2. The Branch Manager,  
UCO Bank,  
Karungulam Branch,  
1/3-6 Tirunelveli, Tiruchendur Main Road,  
Karungulam,  
Tuticorin – 628 615.

3. K.P.Velmurugan

...Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings of the first



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respondent made in sale notice for immovable property, dated 23.07.2023, issued under SARFAESI Act and to quash the same.

For Petitioner : Mr.R.Sakthivel

For R1 and R2 : Mr.A.V.Suresh Kumar  
Standing Counsel

### **ORDER**

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

The Writ Petition challenges the sale notice issued by the first respondent, invoking the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The remedy for the petitioner is to file an appeal under Section 17 of SARFAESI Act before the Debts Recovery Tribunal. When an effective alternative remedy is available and when the Tribunal is also functioning as on today, we are not inclined to interfere with the notice issued by the first respondent in this Writ Petition.



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3. In view of the same, granting 15 days time to the petitioner to move the Debts Recovery Tribunal, this Writ Petition is dismissed. No costs. Consequently connected 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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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

*SJ*

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