



W.P.(MD)No.26433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.26433 of 2023

and W.M.P.(MD) Nos.22734 and 22735 of 2023

Mohammed Anwar Basha

... Petitioner

Vs.

1.The Authorized Officer,
Karnataka Bank Limited,
Asset Recovery Management Branch,
No.324, Ground Floor,
Thambu Chetti Street,
Chennai – 600 001.

2.S.R.Parani

3.Santhi

4.S.Poongodi

...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 order in CRL.M.P. No.2276 of 2022 on the file of Honble Chief Judicial Magistrate, Trichy, dated 18.10.2022 and quash the same and



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consequently forbear the 1st respondent, their men, agents from interfering with the physical possession of the petitioner and from in any manner evicting the petitioner from the house property situated at Flat No. E, 3rd Floor, Royal Fantasy Building, SBI Officers Colony Road, Cantonment, Trichy, comprised in T.S. No. 1/1 part, New T.S. No.1/1A, Block No.5, old ward No.K within the limit of Trichy City Corporation except following due process of law.

For Petitioner : Mr.R.Sakthivel

ORDER

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

The petitioner challenges the order passed by the learned Chief Judicial Magistrate, Tiruchirappalli, in CrI.M.P.No.2276 of 2022, dated 18.10.2022.

2. The petitioner claims to be a tenant and hence, feeling aggrieved by the order, he has filed the Writ Petition.

3. We are of the opinion that even a tenant can approach the Debts Recovery Tribunal in exercise of its power under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,



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2002. Therefore, we grant 15 days time to the petitioner to approach the Debts the jurisdictional Debts Recovery Tribunal.

4. With the above liberty, the Writ Petition stands dismissed. No costs.

Consequently, connected Writ Miscellaneous Petitions are closed.

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

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

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