



W.P.(MD)No.30719 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.12.2023

CORAM:

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

**AND**

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

W.P.(MD)No.30719 of 2023

and W.M.P.(MD) Nos.26398 and 26399 of 2023

N.Venkatesh

... Petitioner

Vs.

- 1.The Secretary, Ministry of Finance,  
Department of Economic Affairs,  
Room No.272, New Delhi – 110 001.
- 2.The Learned Banking Ombudsman,  
C/o.Reserve Bank of India,  
Fort Glacis, Chennai – 600 001.
- 3.The General Manager,  
Bank of India,  
Star House II, 8<sup>th</sup> Floor, Plot C-4,  
“G” - Block, Bandra Kurla Complex,  
Bandra (East), Mumbai – 400 051.
- 4.The Zonal Manager,  
Bank of India,  
Sri Ram Complex, 4<sup>th</sup> Iyer Bungalow,  
Madurai – 625 014.



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5.The Chief Manager,  
Bank of India,  
Chairman Shanmuga Nadar Road,  
Sivakasi,  
Virudhunagar District – 626 123.

6.The Chief Manager,  
Bank of India, Zonal Office,  
Coimbatore.

...Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records connected with the impugned possession notices dated 01.02.2016 issued by the 5<sup>th</sup> respondent and consequential e-auction sale notice dated 04.12.2023 issued by the 6<sup>th</sup> respondent bank and quash the same as illegal

For Petitioners : Mr.B.Balasubramanian

For Respondents : Mr.H.Velavadhas  
Central Government Standing Counsel

Mr.M.Senthilkumar for R3 to R5

### **ORDER**

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

The challenge made in this Writ Petition is the possession notice, which is one of the actions contemplated under Section 13(4) of the SARFAESI Act.



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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 exercise the discretionary jurisdiction under Article 226 of the Constitution of India.

3. Accordingly, the Writ Petition stands dismissed. However, fifteen days time is granted to the petitioner from the date of receipt of a copy of this order to approach the jurisdictional Debts Recovery Tribunal. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

**(S.M.S., J.) & (V.L.N., J.)**  
**21.12.2023**

NCC : Yes / No  
Index : Yes / No  
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

*SJ*

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