



W.P.(MD)No.30622 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.30622 of 2023

and W.M.P.(MD) Nos.26323 and 26327 of 2023

1.A.Saji

2.A.Sutha

... Petitioners

Vs.

M/s.State Bank of India,
Rep. by its Authorised Officer,
Mr.R.Gandhirajan,
Thoothoor Branch,
Kanyakumari District.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order passed in Criminal Miscellaneous Petition No.14664 of 2023, dated 07.12.2023 on the file of the Chief Judicial Magistrate Court, Kanyakumari District at Nagercoil and quash the same as illegal.

For Petitioners : Mr.J.Lawrance

For Respondent : Mr.C.Deepak
Standing Counsel



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ORDER

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

The challenge made in this Writ Petition is the order passed under Section 14 of the SARFAESI Act in Criminal Miscellaneous Petition No.14664 of 2023, dated 07.12.2023, on the file of the Chief Judicial Magistrate Court, Kanyakumari District at Nagercoil.

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.



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4. Since the petitioner makes an allegation that there is a stay which has been granted in S.A.No.118 of 2015, which was renewed in M.A.No.89 of 2020, for a period of 15 days, the order in Criminal Miscellaneous Petition No. 14664 of 2023, dated 07.12.2023, on the file of the Chief Judicial Magistrate Court, Kanyakumari District at Nagercoil, need not be enforced. It is open to the parties to negotiate to resolve the issues as per the Scheme in force.

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

NCC : Yes / No
Index : Yes / No
SJ



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