



W.P.No.1508 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Perumalsamy

.. Petitioner

Vs.

1. Vistaar Financial Services Pvt. Ltd.
having office at No.387, 1st Floor
TI Cycle Road, opposite to Ambattur Post Office
Varadharajapuram, Ambattur (OT)
Chennai 600 053
Rep. by its Authorized Officer, Baskaran.

2. Suseela Perumal

3. K.Vijayakumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, call for the records pertaining to the order passed by the Chief Judicial Magistrate (FAC) Tiruvannamalai in CrI.M.P.No.1345/2023 dated 27th November 2023 and consequential first notice of inspection issued by the third respondent, Court Advocate Commissioner dated 19.12.2023 and



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second notice of inspection issued by the Third respondent, Court Advocate Commissioner dated 10.01.2024 and quash the same and in consequence to that direct the first respondent to reschedule the Loan amount and EMIs to discharge the loan amount by the petitioner periodically with considerable time.

For the Petitioner : Mr.VKR.Balakrishnan

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.VKR.Balakrishnan, learned counsel for the petitioner.

2. The petitioner is challenging the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ["SARFAESI Act, 2002"].

3. The order passed under Section 14 of the SARFAESI Act, 2002 can be challenged before the Debts Recovery Tribunal. In the light of that, we are not inclined to entertain the present writ petition.



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4. The present writ petition, accordingly, stands disposed of with liberty to the petitioner to avail the alternate remedy available before the Debts Recovery Tribunal. In that event, all contentions of the respective parties are kept open. There shall be no order as to costs. Consequently, W.M.P.No.1520 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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