



W.P.No.20827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.20827 of 2024

Y.Ibramkhan

... Petitioner

Vs.

The Authorized Officer,
M/s.Axis Bank Ltd.,
Ravindran Arcade,
Trichy Road,
Opp.to New Bus Stand,
Villupuram – 605 602.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to quash the possession notice dated 16.04.2024 issued by the respondent-Bank and to forbear the respondent from proceeding further in respect of the property bearing Ward No.12, Vadalur Town Panchayat, Vadalur Taluk, Cuddalore District.

For Petitioner : M/s.M.Janani



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ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

The petitioner challenges the possession notice dated 16.04.2024 under Section 13(4) of the SARFAESI Act.

2.The petitioner admits that he has borrowed money from the respondent Bank to the tune of Rs.30 Lakhs and that proceedings have been initiated against the petitioner under the SARFAESI Act. Though the petitioner states that the order impugned is in violation of Articles 14 and 21 of the Constitution of India and that the petitioner has paid some amount to the respondent Bank after initiation of proceedings, this Court is unable to find any merit in this writ petition. The petitioner has an effective alternative remedy in approaching the Debt Recovery Tribunal under Section 17 of the SARFAESI Act. This Court finds no special circumstance to entertain this writ petition in exercise of its jurisdiction under Article 226 of the Constitution of India.



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WEB COPY 3. Therefore, this writ petition is dismissed. No costs.

(S.S.S.R., J.) (N.S., J.)
29.07.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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