



W.P.No.19069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.19069 of 2024

C.Subramanian

..

Petitioner

Vs.

1. The Authorised Officer
Tamil Nadu Mercantile Bank Ltd.
Elampillai Branch
No.639/2B, Mettur Road
Near Bus Stand
Elampillai 637 502.
2. M/s. Kandasamy Coconut Mundy
Sole Proprietor K.Manikandan
14/312, Sanjeeviyur, Surapalli Village
Nangavalli Block, Jalakandapuram
Mettur Taluk, Salem 636 501.
3. K.Manikandan
4. Dhanalakshmi Arunkumar
5. K.Sumathi
6. Annaporani Ramesh



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7. Sun Properties

Rep. by its Proprietrix S.Maheswari

W/o. Senthilkumar

No.365, Maragatham Complex

Trichy Road, Sulur

Coimbatore 641 402.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of the order dated 13.06.2024 passed by the Presiding Officer, Debts Recovery Tribunal, Coimbatore in S.A.No.363 of 2024 and quash the same.

For the Petitioner : Mr.A.Ilangovan

For the Respondents : Mr.A.Tamilavel
for Respondent-1

M/s. P.V.Law Associates
for Respondents 2 & 3

Mr.A.Manoj Kumar
for Respondent-7

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The order of the Debts Recovery Tribunal, Coimbatore dated 13.06.2024 directing the petitioner to deposit Rs.4.26 crore to the respondent bank within 15 days is under challenge in this writ



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petition.
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2. An interim order of stay was granted by this Court, at the time of admission, on condition that the petitioner should deposit a sum of Rs.50 lakh within a period of three weeks from the date of receipt of a copy of that order and another sum of Rs.50 lakh within a period of four weeks thereafter. It appears that the petitioner had paid only a sum of Rs.20 lakh and balance amount has not been paid.

3. Learned counsel for the respondent bank submits that the property under mortgage had already been sold and the sale certificate was issued on 14.09.2023 in favour of the seventh respondent.

4. In the case of **G.Vikram Kumar v. State Bank of Hyderabad [2024 (1) CTC 324]**, relied upon by learned counsel for the respondent bank, the Supreme Court held that the borrower has remedy by way of statutory appeal against the action taken by



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the bank and that the High Court ought not to have entertained the writ petition in view of the availability of alternative statutory remedy.

5. This Court, in the case of **Ramesh v. Authorised Officer, State Bank of India [W.P.No.21799 of 2024 dated 05.08.2024]**, after referring to catena of decisions, relegated the petitioner to avail the remedy of appeal.

6. In the light of the above, we are not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. The petitioner is at liberty to avail remedy before the appropriate forum. There shall be no order as to costs. Consequently, W.M.P.No.20921 of 2024 is also dismissed.

(D.K.K., ACJ.) (P.B.B., J.)
04.09.2024

Index : Yes/No
Neutral Citation : Yes/No

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D.KRISHNAKUMAR, ACJ,
AND
P.B.BALAJI,J.

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