



WEB COPY



W.P.Nos.21245 and 23492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMARAMAMOORTHY

W.P.Nos.21245 and 23492 of 2024

and W.M.P.Nos.25682, 23198 and 23199 of 2024

M/s.Sakthi Fuels,
Rep. By its Partner, P.Selvaraju,
No.8A, Ramakrishna Road,
Salem 636 007.

... Petitioner in
both WPs.

-VS-

1. The Karur Vysya Bank Ltd.,
Rep. By its Authorized Officer,
Chief Manager, No.45-46, Car Street,
Salem Main Branch, Salem District 636 001.

2. C.Kiruthiga
Advocate Commissioner,
Salem Bar Association,
Combined Building Campus,
Hasthampatty, Salem.

... Respondents in
both WPs.

Prayer : Petitions filed under Article 226 of the Constitution of India seeking issuance of (i) WP.No.21245/2024 - writ of certiorari to call for



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the records relating to the order of the Chief Judicial Magistrate, Salem, dated 04.07.2024 in Crl.M.P.No.1242 of 2023 and quash the same; and (ii) WP.23492/2024 – writ of mandamus to direct the 2nd respondent to forthwith unlock the premises of the petitioner bearing Door No.296/10, New No.420, S.R.C. Oil Mill Lane, Suramangalam Road, Salem West, Salem.

For Petitioner in
both WPs. : Mr.K.Selvaraj

For Respondents in
both WPs. : Mr.A.Arun Babu for R-1

* * * * *

COMMON ORDER

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

Petitioner is unhappy with an order dated 04.07.2024 passed by the Chief Judicial Magistrate, Salem, under Section 14 of the SARFAESI Act. Petitioner has filed the above two petitions, one for quashing the said order and the other petition is to unlock the door of the premises that came to be locked pursuant to the order dated 04.07.2024.

2. Time and again, it has been held that the only remedy that petitioner will have is to file Sarfaesi Application before the Debts Recovery Tribunal. Petitioner has, in fact, filed, but we are informed, he



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has not even removed the office objections. The Sarfaesi Application is not even numbered, as petitioner has not even deposited the amount required to be deposited.

3. In the circumstances, keeping open petitioner's rights and contentions to pursue their remedy in the Debts Recovery Tribunal, writ petitions are dismissed. We clarify that we have not made any observations on the merits of the matter. There shall be no order as to costs. Consequently, the interim applications stand closed.

Counsel for first respondent/bank states that the amount of Rs.50 lakhs that petitioner had deposited shall be returned by not later than 18.11.2024. Statement is accepted as an undertaking to the Court.

(K.R.SHRIRAM., CJ.)

(SENTHILKUMARRAMAMOORTHY, J.)

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Index : Yes/No
NC : Yes/No



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sra)

To:

The Authorized Officer,
The Karur Vysya Bank Ltd.,
Chief Manager, No.45-46, Car Street,
Salem Main Branch, Salem District 636 001.

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