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W.P.No.24203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM:

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

AND

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

W.P.No.24203 of 2024 and
W.M.P.No.26463 of 2024

B.Rebello Sagaya Nathan

... Petitioner

-VS-

1. M/s.Ugro Capital Ltd.,
Rep. by its Authorised Officer,
No.8/17, Shafee Mohammed Road,
Sunny Side, First Floor, West Block,
Thousand Lights West, Nungambakkam,
Chennai-600 006.

2. Zion Consultants,
Office No.39, 40, Kilpauk Garden Road,
Kilpauk, Chennai-600 010.

3. Ruby Joseph,
4. Joseph Rebecca Elizabeth Susanna,
5. Charles and Joseph

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the order passed by Debt Recovery Tribunal-III, Chennai dated 01.08.2024 in S.A.No.420 of 2024 and quash the same and direct the Debt Recovery Tribunal-III to reconsider the S.A.No.420 of 2024 afresh in accordance with law.



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W.P.No.24200 of 2024

For Petitioner : Mr.L.Thiyagaiya

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed, seeking to quash the order passed by Debt Recovery Tribunal-III, Chennai dated 01.08.2024 in S.A.No.420 of 2024 passed under Section 14 of the SARFAESI Act, by which, the Second Appeal had been dismissed as not maintainable. The petitioner also sought a direction to the Debt Recovery Tribunal-III to reconsider the S.A.No.420 of 2024 afresh in accordance with law.

2. A perusal of Section 18 of the SARFAESI Act unearths that any person aggrieved by any order made by the Debt Recovery Tribunal (DRT) under Section 17, may prefer an appeal within third days to the Debt Recovery Appellate Tribunal (DRAT) from the date of receipt of the order of DRT.

3. In view of the above stipulation, we are of the view that when there is a specific provision to prefer an appeal, the petitioner, without exhausting such remedy, cannot straightaway invoke the Writ jurisdiction of this Court, which is impermissible.

4. Hence, this Writ Petition is dismissed, with liberty to the petitioner to file



W.P.No.24200 of 2024

statutory appeal under Section 18 of the SARFAESI Act, if so advised. No costs.

Consequently, connected Miscellaneous Petition is closed.

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[D.K.K.,ACJ.] [P.B.B,J.]
20.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,
ar

W.P.No.24203 of 2024

19.08.2024