



W.P.No.24320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM :

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

AND

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

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M/s.Aiswariam Cars
rep. by sole Proprietor Nandan V.
Door No.1/36, Old S.No.217/1B,
New S.No.388/7, S.No.248/1B,
Thandalam, Sriperumbudur,
Kancheepuram District, Chennai
Tamil Nadu-600 0122.

.. Petitioner

Vs

M/s.IDFC FIRST BANK LTD.,
A Company incorporated under the Provisions of
Companies Act, 1956 and having its Registered
Office at M/s.IDFC FIRST BANK LTD, India Bulls Centre,
Tower 2A & 2B, 10th Floor, Senapati Bapat Marg,
Lower Parel (W), Mumbai-400 013 and Branch Office
At Amarasri 3rd Floor,
No.455, Anna Salai, Teynampet, Chennai-600 018
rep. by its Authorised Officer U.Magesh.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the order in Crl.M.P.No.500 of 2004 dated 25.3.2024 passed by the Chief Judicial Magistrate, Chengalpattu under Section 14 of the SARFAESI Act and quash the same.



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For the Petitioner : Mr.D.Murugan

ORDER

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

The petitioner has filed this writ petition seeking issuance of a writ of certiorari calling for the records relating to the order in CrI.M.P.No.500 of 2004 dated 25.3.2024 passed by the Chief Judicial Magistrate, Chengalpattu, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and quash the same.

2. It is well settled proposition of law that the order passed under Section 14 of the Act constitutes an action taken after the stage of Section 13(4) of the Act and the aggrieved person has a remedy before the Debts Recovery Tribunal under Section 17 of the Act and, therefore, the writ petition is not maintainable.

3. At this juncture, learned counsel for the petitioner



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submitted that, as against the order passed by the Chief Judicial Magistrate, Chengalpattu, under Section 14 of the Act, the petitioner had already filed an appeal before the Debts Recovery Tribunal-III, Chennai, and it has been assigned S.A.(Diary) No.2098 of 2024 and, owing to some delay in filing, the matter is not being listed before the Presiding Officer of the DRT.

4. Considering the aforesaid submission made by learned counsel for the petitioner, we direct the Registrar of Debts Recovery Tribunal-III, Chennai, to number the appeal in S.A.(Diary) No.2098 of 2024, if it is otherwise found to be order, and place it before the Presiding Officer to enable him consider the issue with regard to the delay in filing the appeal. The Debts Recovery Tribunal-III, Chennai, is directed to pass appropriate orders, as expeditiously as possible, bearing in mind the fact that the Chief Judicial Magistrate, Chengalpattu, had already directed the authorities to take possession of the petition mentioned property. The petitioner is also at liberty to move appropriate application seeking expeditious disposal of the appeal, if so advised.



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The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.26564 and 26565 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
20.08.2024

Index : Yes/No
NC : Yes/No

Note to Registry:

Mark a copy of this order to the Registrar, Debts Recovery Tribunal-III, Chennai.

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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