



WP No.25750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

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

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**WP No.25750 of 2024**

1.J.Narasimma Babu  
2.J.Siddharthan  
3.J.Srinivasan  
4.Govindarajulu

... Petitioners

versus

1.Canana Bank,  
Ammamet Branch,  
Representative by its Authorized Officer/  
Divisional Manager,  
Mr.K.Shelvakumar.

2.M/s.Maka Electronics,  
No.7, Municipal Building,  
(Nehru Kalaiaranga BLDG),  
Trichy Main Road, Salem -636001.

3.J.Ashok Mehta  
4.J.Ashok Metha

...Respondents



WP No.25750 of 2024

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari, calling for the entire records relating to the order passed in Crl.M.P.No.846 of 2024, dated 16.07.2024 on the file of the Chief Judicial Magistrate, Salem and quash the same.

For the Petitioners :Mr.C.Prakasam

For the Respondents :Mrs.SR Sumathy  
for first respondent

### **ORDER**

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed challenging the order passed in Crl.M.P.No.846 of 2024, dated 16.07.2024 on the file of the Chief Judicial Magistrate, Salem.

2. According to the petitioners, the petitioners are having right in the share in the property in question. Without considering the said fact, the Chief Judicial Magistrate has passed the order. Hence, the petitioners have filed the present writ petition.



WP No.25750 of 2024

3. We have gone through the order passed by the Chief Judicial Magistrate under Section 14 of the SARFAESI Act. The Chief Judicial Magistrate has passed an administrative order. Under the SARFAESI Act, if the person being aggrieved by initiation of proceedings under the the said Act, the remedy is always available to them to approach before the concerned forum. Therefore, the writ petition filed challenging the order passed under Section 14 of the SARFAESI Act by the Chief Judicial Magistrate cannot be entertained. In such circumstances, we are not inclined to entertain the writ petition. The petitioners are having remedy to approach before the appropriate forum under the SARFAESI Act, seeking any right over the property in question.

4. With the above liberty, the writ petition stands dismissed. There shall be no order as to costs. Consequently, W.M.P.Nos.28124 and 28125 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B., J.)  
02.09.2024

Index : Yes/No  
Neutral Citation : Yes/No  
mrn

**THE HON'BLE ACTING CHIEF JUSTICE**

3/4



WEB COPY



*WP No.25750 of 2024*

**and**  
**P.B. BALAJI, J.**

**(mrn)**

**WP No.25750 of 2024**

**02.09.2024**