



W.P.(MD) No.156 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.156 of 2024
and W.M.P.(MD) Nos.175 and 176 of 2024**

1.V.Muruganandham

2.M.Muthumari

... Petitioners

-VS-

1.The Authorized Officer,
Mr.Senthilkumar,
PNB Housing Finance Limited,
Having Registered Office at,
9th Floor, Ariksh Bhawan,
22, Kasturba Gandhi Marg,
New Delhi – 110 001.

2. The Chief Judicial Magistrate,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to Impugned



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Possession Notice of the 1st Respondent dated 12.12.2022 and the consequential Order passed by the 2nd Respondent dated 10.03.2023 made in Cr.M.P.No. 157 of 2023 under section 14 of the SARFAESI Act, 2002.

For Petitioners : Mr.D.Rajaboopathy

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1

Mr.H.Arumugam,
Standing Counsel for R2 and R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the possession notice of the 1st Respondent dated 12.12.2022 and the consequential Order passed by the 2nd Respondent dated 10.03.2023 in Cr.M.P.No. 157 of 2023 under section 14 of the SARFAESI Act, 2002.

2. Against the possession notice of the 1st Respondent dated 12.12.2022 and the consequential Order passed by the 2nd Respondent dated 10.03.2023 in Cr.M.P.No. 157 of 2023 under section 14 of the SARFAESI Act, 2002, the petitioner is having an efficacious alternative remedy before the Debts



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Recovery Tribunal. Without exhausting the said remedy, the petitioner has approached this Court by filing this Writ Petition.

3. Since the petitioners are having an efficacious alternative remedy, they cannot invoke Article 226 of the Constitution of India seeking the aforesaid relief.

4. In the light of the above, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
05.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1.The Chief Judicial Magistrate,
Pudukkottai,
Pudukkottai District.



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and
R.VIJAYAKUMAR, J.

SJ

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