



W.P.(MD) No.366 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

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

**W.P.(MD) No.366 of 2024
and W.M.P.(MD) Nos.358 and 359 of 2024**

P.Ramanathan

... Petitioner

-VS-

1.The Branch Manager,
Indian Overseas Bank,
Thiruvathavoor Branch,
Melur Taluk,
Madurai District – 625 110.

2.The Authorised Officer,
Indian Overseas Bank,
Regional Office Madurai,
Plot No.40, Eighty Feet Road,
Arignar Anna Nagar,
Madurai – 625 020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the entire records pertaining to the order passed by the Chief Judicial Magistrate, Madurai in CrI.M.P.No.632 of 2023 order dated 19.09.2023 and quash the same.



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For Petitioner : Mr.S.Balaji

For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

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

This Writ Petition has been filed challenging the order passed by the Chief Judicial Magistrate, Madurai in CrI.M.P.No.632 of 2023, dated 19.09.2023.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.

3. According to the petitioner, he has made a representation to the first respondent on 22.09.2023 for One Time Settlement. Thereafter, the second respondent has passed an rejection order by his communication dated 26.09.2023.

4. The aforesaid communication has not been challenged by the petitioner and the petitioner has now challenged the order passed by the Chief Judicial Magistrate, Madurai in CrI.M.P.No.632 of 2023, dated 19.09.2023.The



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WEB COPY Hon'ble Supreme Court in ***United Bank of India v. Satyawati Tondon [(2010) 8***

SCC 110], has deprecated the interference of the High Courts in the matter pertaining to the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act, 2002”), when an efficacious alternative remedy before the Debts Recovery Tribunal. In this matter also, the petitioner without exhausting the alternative remedy has approached this Court by filing this Writ Petition. Therefore, this Court is not inclined to entertain the Writ Petition.

5. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to approach the Debts Recovery Tribunal challenging the impugned order within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
09.01.2024

Index : Yes / No
Internet : Yes / No
SJ



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