



W.P.(MD) No.1406 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.1406 of 2024

and

W.M.P.(MD)Nos.1441 & 1442 of 2024

T.Srinivasan

... Petitioner

-Vs-

1.The Authorized Officer,
M/s.HDB Financial Services Ltd.,
Rep. by the Authorized Officer,
So.Esakki, Office at
No.50, VRM Complex,
2nd Floor, Vasantha Nagar,
Andalpuram, Madurai.

2.The Branch Manager,
M/s.HDB Financial Services Ltd.,
No.50, VRM Complex,
2nd Floor, Vasantha Nagar,
Andalpuram, Madurai.

3.K.Anbuselvam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in



W.P.(MD) No.1406 of 2024

Crl.M.P.No.1732 of 2022 on the file of the learned Chief Judicial Magistrate, Madurai, dated 18.11.2022 and quash the same.

For Petitioner : Mr.G.Mohankukmar
For R1 & R2 : Mr.C.A.Arjun Shankar

ORDER

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

The order of the learned Chief Judicial Magistrate, Madurai dated 18.11.2022 made in Crl.M.P.No.1732 of 2022 is under challenge in the present Writ Petition. The said order is appealable under Section 17 of SARFAESI Act. Without exhausting the appeal remedy, the petitioner has approached this Court. Therefore, we are not inclined to entertain this Writ Petition.

2.At this stage, the learned counsel appearing for the petitioner seeks interim protection for 10 days, since the Presiding Officer concerned is on leave.

3.Considering the request made by the learned counsel appearing for petitioner, ten (10) days time is granted to the petitioner to file appeal before the jurisdictional Debts Recovery Tribunal. Till such time, the respondent Finance Company shall not take any coercive steps against the petitioner.



W.P.(MD) No.1406 of 2024

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4. With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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

23.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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W.P.(MD) No.1406 of 2024

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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W.P.(MD)No.1406 of 2024

23.01.2024