



**W.P.(MD) No.1865 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 31.01.2024**

**CORAM:**

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

**W.P.(MD) No.1865 of 2024  
and W.M.P.(MD) Nos.1870 and 1873 of 2024**

Ganesan

... Petitioner

**-VS-**

1.The Authorized Officer,  
(Under SARFAESI Act),  
Piramal Capital & Housing Finance Ltd.,  
Shop No.173B/2A, 1<sup>st</sup> Floor,  
Shah Complex, Palayamkottai,  
Tirunelveli – 627 002.

2.The Branch Manager,  
Piramal Capital & Housing Finance Ltd.,  
Tirunelveli Branch,  
Shop No.173B/2A, 1<sup>st</sup> Floor,  
Shah Complex, Palayamkottai,  
Tirunelveli – 627 002.

... 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 dated 15.05.2023, served on 18.01.2024, passed by the 1<sup>st</sup> respondent and quash the same.

For Petitioner : Mr.S.Alagusundar

For Respondents : Mr.P.Pethurajesh  
Standing Counsel

**ORDER**

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

The Writ Petition has been filed challenging the possession notice of the 1<sup>st</sup> Respondent dated 15.05.2023.

2. Against the possession notice of the 1<sup>st</sup> Respondent dated 15.05.2023, the petitioner is having an efficacious alternative remedy before the Debts Recovery Tribunal under Section 17 of SARFAESI Act. Without exhausting the said remedy, the petitioner has approached this Court by filing this Writ Petition.

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



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4. In the light of the above, the Writ Petition is dismissed. It is open to the petitioner to seek his remedy before the appropriate forum. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

**[D.K.K., J.] [R.V., J.]**  
**31.01.2024**

Index : Yes / No  
Internet : Yes / No  
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**D.KRISHNAKUMAR, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

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