



W.P.(MD) No.1687 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1687 of 2024
and W.M.P.(MD)Nos.1713 & 1715 of 2024

M.Hariff

... Petitioner

Vs.

- 1.The Authorized Officer,
M/s.Shiram Transport Finance Company Ltd.,
No.81, 3rd Floor,
P.K.N.A.Complex (Upstairs Mega Mart),
Bypass Road,
Madurai - 14.
- 2.M/s.Shiram Transport Finance Company Ltd.,
Rep by its Branch Manager / Authorized Officer,
K.K.Nagar Branch,
No.29, Nataraj Complex, 1st Floor,
KFC Upstairs, District Court



W.P.(MD) No.1687 of 2024

WEB COPY

3.The Registrar,
Debt Recovery Tribunal,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the orders passed in Debts Recovery Tribunal in IA No.3018/2023 and quash the same in so far as fixing the condition of 50 percent of the total liability and quash the same.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.B.Senthil Kumar for R1 & R2

ORDER

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

Challenging order passed by the Debts Recovery Tribunal in IA No. 3018/2023, the petitioner has filed this Writ Petition.

2. This Writ Petition is taken up for final disposal at the admission stage itself.

Page 2 of 7



W.P.(MD) No.1687 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner submitted that as against the possession noticed dated 09.03.2022, the petitioner has filed an appeal before the Debts Recovery Tribunal, Madurai in S.A.No.710 of 2023 along with an application for interim injunction in I.A.No.3018 of 2023. In the said application, the Debts Recovery Tribunal has granted conditional interim order. He further submitted that the petitioner is not able to comply with the said conditional interim order, due to the accident met by him. According to the petitioner, he has also paid some amount in order to comply with the earlier order of this Court and therefore, the conditional interim order passed by the Debts Recovery Tribunal is unreasonable. Hence, the petitioner has filed this Writ Petition.

4. The learned counsel appearing for the respondents 1 and 2 submits that as against the order of the Debts Recovery Tribunal, the petitioner is having an efficacious appeal remedy under Section 18 of the SARFAESI Act before the Appellate Tribunal.



W.P.(MD) No.1687 of 2024

WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact that as against the order of the Debts Recovery Tribunal, the petitioner is having an efficacious appeal remedy under Section 18 of the SARFAESI Act, we are of the view that without exercising such appeal remedy, the petitioner has filed this Writ Petition. Therefore, this Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to file an appeal before the Appellate Tribunal under Section 18 of the SARFAESI Act. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

[D.K.K., J.] [R.V., J.]
29.01.2024

NCC : Yes / No
Index : Yes / No

vsm



WEB COPY



W.P.(MD) No.1687 of 2024

To

The Registrar,
Debt Recovery Tribunal,
Madurai.



WEB COPY



W.P.(MD) No.1687 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

W.P.(MD) No.1687 of 2024



WEB COPY



W.P.(MD) No.1687 of 2024

29.01.2024