



W.P.(MD) No.2783 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM:

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

AND

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

W.P.(MD)No.2783 of 2024

and

W.M.P.(MD)No.2776 of 2024

Thirumalairaja

... Petitioner

-Vs-

Canara Bank,
Rep. by its Authorized Officer,
Palani Branch, No.228, PPN Plaza,
RF Road, Palani, Dindigul-624 601.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 28.08.2023 passed by the learned Chief Judicial Magistrate, Dindigul in Cr.M.P.No.15739 of 2023 and quash the same as illegal.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.Madhav Alexandar



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ORDER

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

The order of the learned Chief Judicial Magistrate, Dindigul dated 28.08.2023 made in Cr.M.P.No.15739 of 2023 is under challenge in this Writ Petition.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.Madav Alexandar, learned counsel, who takes notice for the respondent Bank, submits that one of the family members of the petitioner, namely, Revathy has filed a suit in O.S.No.216 of 2023 before the learned Additional District Judge, Palani, wherein *status quo* has been ordered. Therefore, no further action can be initiated by the respondent Bank.

4.We are of the view that the petitioner has filed this Writ Petition, challenging the order passed under Section 14 of SARFAESI Act, which is appealable under Section 17 of SARFAESI Act. Without exhausting the appeal remedy, the petitioner has filed this Writ Petition. Therefore, this Writ Petition is



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not maintainable and the same stands dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

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

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

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AND

R.VIJAYAKUMAR, J.

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