



W.P.(MD) No.2936 of 2024

WEB COPY 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.2936 of 2024
and W.M.P.(MD) Nos.2931 and 2933 of 2024**

R.Venkatasamy

... Petitioner

-VS-

- 1.The Chief Judicial Magistrate,
Thoothukudi.
- 2.The Chief Manager,
M/s.Central Bank of India,
Registered Office At
Chandermukhi,
Nariman Point,
Mumbai.
- 3.The Regional Manager,
M/s.Central Bank of India,
Regional Office at
Raja Muttiah Mandram,
Dr.Ambedkar Road,
Madurai – 625 020.



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4. The Authorized Officer,
M/s. Central Bank of India,
Main Branch,
Thoothukudi.

... 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 the impugned order passed by the 1st respondent in his proceedings in Cr.M.P.No. 21739/2023 dated 29.12.2023 and quash the same.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.N.Dilipkumar
Standing Counsel for R2 to R4

ORDER

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

The Writ Petition has been filed challenging the order passed by the Chief Judicial Magistrate, Thoothukudi, in Cr.M.P.No. 21739/2023, dated 29.12.2023.

2. Learned Standing Counsel for the respondent bank produced a copy of the order of this Court dated 03.03.2023, passed in W.P.(MD) No.4757 of 2023, filed by the petitioner, wherein this Court has directed the petitioner to pay



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25% of the outstanding amount within a period of three weeks from the date of receipt of a copy of that order and on making such payment, directed the petitioner to submit a representation to the respondent bank, seeking either one time settlement or for restructuring his loan account, within one week thereafter and also directed the respondent bank to consider the same within three weeks therefrom. But, according to the learned Standing Counsel for the respondent bank, till now the petitioner has not complied with the conditional order passed by this Court and now the respondent bank has initiated proceedings under Section 14 of the SARFAESI Act, 2002, to take possession of the property by filing CrI.M.P.21739 of 2023, before the Chief Judicial Magistrate, Thoothukudi and the same was allowed and challenging the same, the present Writ Petition has been filed.

3. According the petitioner, against the impugned order, he filed SARFAESI Appeal before the Debts Recovery Tribunal, Madurai, in S.A.Sr.No. 1504 of 2024 and so far the appeal has not been numbered and in the meanwhile, the officials of the respondent bank are trying to take possession of the petitioner's property.



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4. According to the learned counsel on either side, the Debts Recovery Tribunal, Madurai, is functioning. Hence, the petitioner has to approach the said Tribunal and the Writ Petition challenging the aforesaid order passed by the learned Chief Judicial Magistrate, Thoothukudi. is not maintainable. It is needless to state that if the application filed by the petitioner is in order, it is for the Debts Recovery Tribunal to consider the same and pass necessary orders.

5. With the above observations, the Writ Petition stands dismissed.

No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
09.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1. The Chief Judicial Magistrate,
Thoothukudi.



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and
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