



**W.P.(MD) No.3782 of 2024**

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

**DATED : 20.02.2024**

**CORAM:**

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

**W.P.(MD) No.3782 of 2024  
and W.M.P.(MD) No.3691 of 2024**

1.Jeya Cashew Industries,  
Rep. by K.Jeya Balies,  
At 5-90A, Kidankuvilai Maruthoorkurichy,  
Kattathurai Kalkulam,  
Kanyakumari,  
Nagercoil – 629 158.

2.S.Smilin

... Petitioners

**-VS-**

M/s.Balaji Finance Limited,  
Unit No.804, 805, 806, Delta Wing,  
8<sup>th</sup> Floor, Raheja Tower,  
No.177, Anna Salai,  
Chennai – 600 002,  
Rep. by its Authorized Officer,  
Mr.S.Maheswaran,  
S/o. Shri Krishnan

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, praying to  
issue a Writ of Certiorarified Mandamus, calling for the records in connection



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with the impugned order in CrI.M.P.No.15705 of 2023 dated 30.01.2024 on the file of the Chief Judicial Magistrate Court, Nagercoil, Kanyakumari District and quash the same as illegal and consequently, direct the respondent to expedite their remedy in the SA.No.771 of 2023 pending in DRT, Madurai.

For Petitioners : Mr.T.Titus

For Respondent : Mr.I.Sudhakaran  
Standing Counsel

**ORDER**

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

The Writ Petition has been filed challenging the order passed in CrI.M.P.No.15705 of 2023, dated 30.01.2024, on the file of the Chief Judicial Magistrate Court, Kanyakumari District, at Nagercoil, and consequently, to direct the respondent to expedite their remedy in the S.A.No.771 of 2023 pending before the Debts recovery Tribunal, Madurai.

2. According to the petitioners, they have challenged the notice issued by the respondent under Section 13(2) of SARFAESI, 2002, dated 15.11.2023, before the Debts Recovery Tribunal, Madurai, in S.A.No.771 of 2023 and obtained an interim order to maintain status quo. In the meanwhile, the



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respondent had filed C.M.P.No.15705 of 2023 before the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil, and obtained an order to secure the possession with the help of an Advocate Commissioner. Challenging the same, the petitioner has filed the present Writ Petition.

3. Since the petitioners have challenged the notice issued by the respondent under Section 13(4) of the SARFAESI Act and obtained an interim order of status quo and the order passed by the learned Chief Judicial Magistrate Court, Kanyakumari District at Nagercoil, in Crl.M.P.No.15705 of 2023, dated 30.01.2024, is only a consequential administrative order, the petitioner has to challenge the same only before the Debts Recovery Tribunal. Hence, we are not inclined to entertain the Writ Petition.

4. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

**[D.K.K., J.]                      [R.V., J.]**  
**20.02.2024**

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

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Note : Registry is directed to return the original order to the petitioners, after replacing the same with a xerox copy.

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