



W.P.(MD)No.5647 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5647 of 2024

and

W.M.P.(MD)No.5355 of 2024

K.Mohammed Salih

: Petitioner

Vs.

M/s.Tamil Nadu Mercantile Bank Ltd.,

Rep. by its Authorized Officer / Assistant General Manager,

Mr.D.Sivakumar,

D.No.2-6/1H3, 1st Floor,

Bharathi Nagar,

Chinnalapatti,

Dindigul.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for further proceedings under the SARFAESI Act pursuant to the impugned order dated 30.06.2023 in Cr.M.P.No.402 of 2023 issued by the Learned Chief Judicial Magistrate Court, Pudukkottai and quash the same.



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For Petitioner : Mr.K.Rajeshwaran
For Respondent : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

This Writ Petition has been filed as against the impugned order dated 30.06.2023 passed by the Learned Chief Judicial Magistrate Court, Pudukkottai in Cr.M.P.No.402 of 2023.

2.Heard Mr.K.Rajeshwaran, learned Counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondent Bank.

3.This Writ Petition challenging the aforesaid impugned proceedings cannot be entertained, since the petitioner has got an efficacious alternate remedy of approaching the Debts Recovery Tribunal by filing an appeal under the SARFAESI Act.

4.The learned Counsel for the petitioner seeks liberty of this Court to approach the Debts Recovery Tribunal by filing an appeal under the SARFAESI Act.



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5.Accordingly, this Writ Petition stands disposed of with liberty to the petitioner to approach the Debts Recovery Tribunal by filing an appeal under the SARFAESI Act. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

08.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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