



WEB COPY



W.P.(MD)No.5756 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5756 of 2024

and

W.M.P.(MD)No.5435 of 2024

M.Pandi

: Petitioner

Vs.

M/s.Jana Small Finance Bank Limited,
Theni, Represented by its Authorized Officer,
Vijay.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to remove the lock and seal, sealed by the Advocate Commissioner on 04.03.2024 in pursuance of the order dated 09.02.2024 by Chief Judicial Magistrate, Theni in CrI.M.P.No.10920 of 2023 in petitioner's dwelling house by allowing this Writ Petition.

For Petitioner : Mr.K.Sivabalan

For Respondent : Mr.Babu

Standing Counsel



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ORDER

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

This Writ Petition has been filed seeking for a direction to the respondent to remove the lock and seal, sealed by the Advocate Commissioner on 04.03.2024 in pursuance of the order dated 09.02.2024 by Chief Judicial Magistrate, Theni in CrI.M.P.No.10920 of 2023 in petitioner's dwelling house by allowing this Writ Petition.

2.Heard Mr.K.Sivabalan, learned Counsel for the petitioner and Mr.Babu, learned Standing Counsel for the respondent.

3.The learned Standing Counsel for the respondent brought to the notice of this Court that the Advocate Commissioner has taken possession of the property in question as per the order of the learned Chief Judicial Magistrate, Theni dated 09.02.2024 and the same was under lock and seal. Now, the petitioner is said to have broke open the lock and seal and entered the property and is in illegal possession of the property. The said statement of the respondent is recorded.



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4.This Court is of the opinion that if at all the petitioner is aggrieved by the order of the learned Chief Judicial Magistrate, he is at liberty to approach the Debts Recovery Tribunal under Section 17 of the SARFAESI Act. We are of the further opinion that it is for the parties to seek appropriate remedy before the concerned forum. Since there is an efficacious alternate remedy available to the petitioner, this Court is not inclined to entertain this Writ Petition.

5.With the aforesaid liberty to both the parties, this Writ Petition is dismissed. 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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08.03.2024