



W.P.(MD) No.20677 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.20677 of 2024
and
W.M.P.(MD)Nos.17538 and 17539 of 2024**

M.Senthil

... Petitioner

-VS-

- 1.Canara Bank,
Represented by its Authorized Officer,
Thuvakudi Branch,
No:D/C1, Developed Plot Estate,
Thuvakudi – 620015,
Trichy District.
- 2.Oxina Land Developers Private Ltd.,
Represented by its Director Mr.K.Jeyakarna,
No.37, Bishope Road, Puthur,
Trichy,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to impugned order dated 16.08.2024, in Cr.M.P.No.3481 of 2024, passed by the learned Chief Judicial Magistrate, Trichy and quash the same as illegal.

For Petitioner	: Mr.B.Rajesh Saravanan
For 1 st Respondent	: Mr.C.Deepak
For 2 nd Respondent	: Mr.Mahaboob Athiff



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

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Mr.C.Deepak, learned counsel takes notice for the 1st respondent.

Mr.Mahaboob Athiff, learned counsel takes notice for the 2nd respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The challenge in the Writ Petition is to the order passed by the learned Chief Judicial Magistrate, Trichirappalli, on 16.08.2024, in an application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, (SARFAESI Act), 2002, at the instance of the bank.

3.The petitioner has already questioned the sale before the Debt Recovery Tribunal. It is the claim of the petitioner that no fresh notice was issued to him after the death of the original guarantor, Thiru.K.Manikkam. These questions will have to be necessarily agitated before the jurisdictional Debt Recovery Tribunal. The Hon'ble Supreme Court of India has repeatedly held that the proceedings under Article 226, challenging auctions under the SARFAESI Act, 2002, should not be entertained unless there is a very serious violation of the law or there is any question of jurisdiction. We find that the petitioner will have to necessarily approach the jurisdictional Tribunal, challenging the order of the learned Chief Judicial Magistrate.



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4.It is also stated that the writ petitioner has already moved the Debt Recovery Tribunal, seeking an amendment to include a prayer for setting aside the proceedings before the learned Chief Judicial Magistrate and the said application has been partly allowed by the Debt Recovery Tribunal. It is also seen that the petitioner has moved an application to advance the hearing of the proceedings before the Debt Recovery Tribunal from 10.09.2024 to 26.08.2024.

5.In view of the above, we see no reason to entertain the Writ Petition. Hence, the Writ Petition is dismissed. It will be open to the petitioner to challenge the order of the learned Chief Judicial Magistrate before the Debt Recovery Tribunal. No costs. Consequently, connected miscellaneous petitions are closed

[R.S.M., J.]

[L.V.G., J.]

29.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn/Sml



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn/Sml

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