



W.P.(MD) No.22625 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

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

**W.P.(MD) No.22625 of 2024
and
W.M.P.(MD)Nos.19166 and 19167 of 2024**

1.Rajyesuvadian

2.Jasmin

... Petitioners

-VS-

1.The Authorized Officer,
Manappuram Home Finance Ltd.,
Nagercoil Branch,
1st Floor, 562/4, M.S.Road,
Vettornimadam Junction,
Opp. Rajas Mandapam,
Vettooomimadam, Nagercoil – 629 003,
Kanyakumari District.

2.Manappuram Home Finance Ltd.,
Rep. By its Branch Manager,
Nagercoil Branch,
1st Floor, 562/4, M.S.Road,
Vettoornimadam Junction,
Opp. Rajas Mandapam,
Vettooomimadam, Nagercoil – 629 003,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order dated 27.05.2024, passed in CrI.M.P.No.3619



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of 2024 by the Chief Judicial Magistrate Court, Kanniyakumari District at Nagercoil and quash the same as illegal and unconstitutional and consequently, direct the respondents 1 and 2 to redeliver the physical possession of the impugned order mentioned property to the petitioners.

For Petitioner : Mr.E.Deepak
For Respondents : Mr.R.Senthilkumar

ORDER

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

Mr.R.Senthilkumar, learned counsel takes notice for the respondents.

2.The challenge in the Writ Petition is to the order of the learned Chief Judicial Magistrate, passed under Section 14 of the SARFAESI Act. The actual physical possession has also been taken by the Bank, pursuant to the order of the learned Chief Judicial Magistrate.

3.Mr.E.Deepak, learned counsel appearing for the petitioner would submit that the petitioner is prepared to pay part of the loan amount and the bank should be directed to restore possession.

4.We do not think we can entertain such request in exercise of our extraordinary jurisdiction under Article 226 of Constitution of India. An effective alternative remedy is available to the petitioner before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act.



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5. Leaving it open to the petitioner to approach the Tribunal, the Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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



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

Mrn

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