



W.P(MD)No.24017 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM :

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

**W.P.(MD)No.24017 of 2024
and
W.M.P.(MD)Nos.20330 and 20332 of 2024**

K.B.Kalai Ilakkia

... Petitioner

vs.

M/s. AXIS Bank Limited,
Represented by its Authorized Signatory R.Sivakumar,
Regional Manager,
Legal & Support Team,
2nd Floor, Door No.31, Old No.14,
South Mada Street,
Mylapore, Chennai-600 004.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Chief Judicial Magistrate, Karur, in CrI.MP.No.1284 of 2024 and quash the order dated 13.09.2024 is same as a illegal and consequential direction or nature of direction to directing the respondent to bring the e-auction from the M/s.Muthuvel Rice and Oil Mill and duly following the procedure contemplated under the SARFAESI Act.

For Petitioner : Mr.K.Rajendra Prasad

For Respondent : Mr.P.Pethu Rajesh



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ORDER

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(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge is to the action of the respondent Bank in proceeding under Section 14 the of Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 .

2. It is the contention of the petitioner that she is only a guarantor and the Bank has chosen to proceed against her property without proceeding against the property of the principal borrower, which is also mortgaged in favour of the Bank.

3. The choice of proceeding against the property of the principal borrower or the guarantor is with the Bank and we cannot dictate terms. Further, the action of the Bank can be challenged before the Debts Recovery Tribunal.

4. In view of the alternative remedy that is available, we do not see any reason to entertain the Writ Petition. The Writ Petition is therefore dismissed with liberty to the petitioner to move the Debts Recovery Tribunal. The



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respondent Bank will defer action for a week. No costs. Consequently,
connected Miscellaneous Petitions are closed.

(R.S.M, J.) (L.V.G, J.)
14.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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