



W.P(MD)Nos.25590 and 25591 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM :

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

**W.P(MD)Nos.25590 and 25591 of 2024
and
W.M.P.(MD)No.21703 of 2024**

1.K.Balasubramanian
2.B.Arunraj

... Petitioners in both the W.Ps.

vs.

The Authorised Officer,
HDB Financial Services Limited,
No.940, S.K.Village,
P.K.N.Road,
Sivakasi - 626 189,
Virudhunagar District.

... Respondent in both the W.Ps.

Prayer in W.P.(MD)No.25590 of 2024 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in the order passed in I.A.No.2713 of 2024 in S.A.No.408 of 2024, on the file of the Debts Recovery Tribunal, Madurai, dated 07.10.2024 and quash the same and consequently, direct the respondent bank to de-seal and hand over the physical possession of the petitioners' dwelling house situated at D.No.20A, Ward No.10, Pandian Nagar 6th Street, Thiruthangal Village, Virudhunagar District.



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Prayer in W.P.(MD)No.25591 of 2024 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in the order passed in I.A.No.2959 of 2024 in S.A.No.408 of 2024, on the file of the Debts Recovery Tribunal, Madurai, dated 07.10.2024 and quash the same and consequently, modify the conditional order passed in I.A.No.2295 of 2024 in S.A.No.408 of 2024, on the file of the Debts Recovery Tribunal, Madurai, dated 27.06.2024.

For Petitioners in both the W.Ps. : Mr.P.Thirumahilmaran

COMMON ORDER

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

The order under challenge is one made by the Debts Recovery Tribunal in a Securitization Application filed challenging the order of the learned Chief Judicial Magistrate, Virudhunagar, passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as "the SARFAESI Act"].

2. An effective alternative remedy is available to the petitioners under the provisions of the SARFAESI Act before the Debts Recovery Appellate Tribunal. Hence, these Writ Petitions are dismissed with liberty to the



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petitioners to approach the Debts Recovery Appellate Tribunal. No costs.

Consequently, connected Miscellaneous Petition is closed.

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

25.10.2024

Index : No

Neutral Citation : No

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

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COMMON ORDER MADE IN
W.P(MD)Nos.25590 and 25591 of 2024
DATED : 25.10.2024