



W.P(MD)No.25654 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM :

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

**W.P(MD)No.25654 of 2024
and
W.M.P.(MD)Nos.21762 and 21763 of 2024**

N.Lakshmanan

... Petitioner

vs.

1.M/s.SMFG India Home Finance Co. Ltd.,
Represented by its Authorized Officer,
S.Vadivel,
Megh Towers, 3rd Floor,
Old No.307, New No.165,
Poonamallee High Road,
Maduravyoal,
Chennai – 600 095.

2.The Authorised Officer,
SMFG India Home Finance Ltd.,
(Formerly Fullerton Indian Home Finance Ltd.),
No.9, 1st Floor, MC Arcade,
Karur Bypass Road,
Annamalainagar,
Trichy District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in pursuant to the Impugned Order dated 04.10.2024 made in Cr.M.P.No.1111 of 2024, on the file of Chief Judicial Magistrate, Pudukkottai, filed by the first respondent Bank under Section 14(1)(2) of SARFAESI Act and quash the same as illegal.



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For Petitioner : Mr.S.T.Sasidharan Tamilkani

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ORDER

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

The challenge in this Writ Petition is to the order of the learned Chief Judicial Magistrate, Pudukkottai, dated 04.10.2024, made 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. The petitioner has got an alternative remedy before the Debts Recovery Tribunal, which is now manned and functioning.

3. The learned counsel for the petitioner is unable to project any special reason to enable us to entertain the Writ Petition *de hors* the alternative remedy that is available.

4. We, therefore, dismiss the Writ Petition on the ground that the effective alternative remedy is available to the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.



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5. The learned counsel for the petitioner would seek some time to move the Debts Recovery Tribunal.

6. The petitioner is granted four weeks time to move the Debts Recovery Tribunal. In the interregnum, the Bank will not implement the order of the learned Chief Judicial Magistrate, Pudukkottai.

(R.S.M, J.) (L.V.G, J.)
24.10.2024

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

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ORDER MADE IN
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