



W.P.(MD)No.27693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.27693 of 2024

and

W.M.P.(MD)Nos.23507 & 23508 of 2024

R.Samranjithkumar

: Petitioner

Vs.

1.M/s.Karur Vysya Bank,
Rajapalayam Branch,
Railway Feeder Road,
Rajapalayam,
Virudhunagar District,
Rep. by its authorized officer / Chief Manager,
Mr.C.Magesh

2.M/s.Pommys Garments (India) Limited,
(Formerly known as Pommys Garments (India) Private Limited,
Rep. by its Directors Mr.K.Raja & Mr.Inicoinbaraj,
No.5/13-B, Pommys Nagar, Seithur Road,
Dhalavaipuram, Rajapalayam,
Virudhunagar District – 626 188.



W.P.(MD)No.27693 of 2024

WEB COPY

3.K.Raja

4.Inico Inbaraj

5.R.Kanika Tejawini

6.R.Kanishk Visva

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order dated 25.06.2024 passed by the learned Chief Judicial Magistrate, Tenkasi District in Criminal Miscellaneous Petition No.93 of 2024 filed under Section 14(1) of Securitization and Reconstruction of Financial Assets and Enforcement bank and quash the same as arbitrary and illegal and consequently direct the first respondent not to disturb the peaceful possession of the petitioner in the schedule mentioned properties without following due process of law.

For Petitioner : Mr.G.Aravinthan

For Respondent No.1 : Mr.V.Sukumar

Standing Counsel



WEB COPY



W.P.(MD)No.27693 of 2024

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed seeking to quash the impugned order dated 25.06.2024 passed by the learned Chief Judicial Magistrate, Tenkasi District in Criminal Miscellaneous Petition No.93 of 2024 filed under Section 14(1) of Securitization and Reconstruction of Financial Assets and Enforcement bank and for a consequential direction to the first respondent not to disturb the peaceful possession of the petitioner in the schedule mentioned properties without following due process of law.

3.Since this Court is only relegating the petitioner to approach the Debts Recovery Tribunal, notice to the private respondents is dispensed with.

4.Since an effective remedy lies before the Debts Recovery Tribunal, invoking the jurisdiction of this Court under Article 226 of the Constitution of India would not be permissible



W.P.(MD)No.27693 of 2024

and hence, the Writ Petition stands dismissed, with liberty to the petitioner to work out his remedies in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[M.S.R.,J.] & [A.D.M.C.,J.]
20.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.P.(MD)No.27693 of 2024

To
The authorized officer / Chief Manager,
Mr.C.Magesh
M/s.Karur Vysya Bank,
Rajapalayam Branch,
Railway Feeder Road,
Rajapalayam,
Virudhunagar District.



WEB COPY



W.P.(MD)No.27693 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
W.P.(MD)No.27693 of 2024

20.11.2024