



W.P.No.27512 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.27512 of 2024

&

W.M.P.No.30022 of 2024

N.Abdul Samad

.. Petitioner

Vs.

1. The Authorised Officer
Karur Vysya Bank Limited
Asset Recovery Management Bank
Gopalapuram
Chennai 600 086.

2. The Authorised Officer
Encore Asset Reconstruction Company Pvt. Ltd.
101, Executive Zone
766, Ground Floor, Anna Salai
Chennai 600 002.

3. The Registrar
Debts Recovery Tribunal -3
6th Floor, Addl. Building
Sastri Bhavan, Nungambakkam
Chennai 600 006.

.. Respondents



W.P.No.27512 of 2024

WEB COPY

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the 2nd respondent not to take possession of the schedule mentioned properties as per the order of the District Magistrate and District Collector, Kanchipuram vide order in RC No.16060/2017/M3 dated 29.11.2019 pending disposal of 3rd respondent in SA No.519 of 2024.

For Petitioner : Ms.T.P.Savitha

For Respondents : Mrs.S.R.Sumathy
for Respondent-2

No appearance -
for Respondent-1

Tribunal – Respondent-3

ORDER

(Order of the Court was made
by Mohammed Shaffiq,J.)

The present writ petition is filed praying for a writ of Mandamus forbearing the 2nd respondent not to take possession of the schedule mentioned properties as per the order of the District Magistrate and District Collector, Kanchipuram vide order in RC No.16060/2017/M3 dated 29.11.2019 pending disposal of 3rd respondent in SA No.519 of 2024.



W.P.No.27512 of 2024

WEB COPY

2. At the outset, learned counsel for respondent raised a preliminary objection that the present writ petition ought not to be entertained inasmuch as petitioner had already availed of his statutory remedy before the Debts Recovery Tribunal.

3. We find that there is merit in the submission of learned counsel for respondents, for it is trite law that availing parallel remedies would amount to abuse of process of Court and is frowned upon by the Supreme Court¹. We are thus not inclined to entertain this writ petition.

4. At this juncture, learned counsel for petitioner would submit that petitioner would make attempts to resolve the issue amicably. In response, learned counsel for second respondent would submit that any offer of settlement if made by petitioner would be considered.

5. We express no opinion, while leaving it open to the parties to proceed with settlement.

¹ Orissa Power Transmission Corpn. Ltd. v. Asian School of Business Management Trust, (2013) 8 SCC 738;
Jai Singh v. Union of India, (1977) 1 SCC 1 .



W.P.No.27512 of 2024

WEB COPY

6. With the above, the writ petition is disposed of. There shall be no order as to costs. Consequently, the interim application also stands disposed of.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ.J.)

05.03.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Authorised Officer
Karur Vysya Bank Limited
Asset Recovery Management Bank
Gopalapuram
Chennai 600 086.
2. The Registrar
Debts Recovery Tribunal -3
6th Floor, Addl. Building
Sastri Bhavan, Nungambakkam
Chennai 600 006.



WEB COPY



W.P.No.27512 of 2024

THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

(kpl)

W.P.No.27512 of 2024

05.03.2025