



W.P.(MD)No.1803 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1803 of 2025

and

W.M.P.(MD)Nos.1286 & 1289 of 2025

G.Vinayaga Moorthi

: Petitioner

Vs.

1.The Chief Judicial Magistrate,
Madurai.

2.The Authorised Officer,
PNB Housing Finance Ltd.,
No.48, Nandini Building 3rd Floor,
Bye Pass Road,
Madurai – 625 010.

3.A.Pandiyammal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first



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respondent in Cr.M.P.(MD)No.513/2023 dated 27.07.2023 and quash the same as illegal and consequently direct the second respondent to implead the petitioner in the SARFAESI proceedings and try the case afresh and consider the rights of his tenancy of Lawful possession in the schedule mentioned property.

For Petitioner : Mr.P.Venkatesan

For Respondent No.2 : Mr.I.Suthakaran

O R D E R

[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 of the first respondent in Cr.M.P.(MD)No.513/2023 dated 27.07.2023 and for a consequential direction to the second respondent to implead the petitioner in the SARFAESI proceedings and try the case afresh and consider the rights of his tenancy of Lawful possession in the schedule mentioned property.

3.Since an effective remedy lies before the Debts Recovery Tribunal, invoking the jurisdiction of this Court under



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Article 226 of the Constitution of India would not be permissible 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.]
23.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To
The Chief Judicial Magistrate,
Madurai.



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

MR

ORDER MADE IN
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23.01.2025