



W.P.(MD) Nos.5426, 5427 & 5428 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD) Nos.5426, 5427 & 5428 of 2025
and**

W.M.P.(MD) Nos.3974, 3975, 3976, 3977, 3980 & 3982 of 2025

W.P.(MD) No.5426 of 2025:

Parveen Sikkandar

... Petitioner

-vs-

1.M/s.IDBI Bank Limited
represented by its Authorised Signatory
No.115, Anna Salai, Saidapet
Chennai-600 015

2.Neo Intex Mills Ltd.,
(Dissolved / Liquidated)
rep.by the Official Liquidator
High Court, Madras
Office of the Official Liquidator
Kuralagam, Chennai-600 001

3.The Branch Manager
State Bank of India
Tallakulam Branch
60, Alagar Koil Main Road
Tallakulam, Madurai-625 002

... Respondents



W.P.(MD) Nos.5426, 5427 & 5428 of 2025

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the order of attachment dated 20.09.2024 and the subsequent Garnishee order dated 03.12.2024 of the learned Recovery Officer, Debts Recovery Tribunal-III, Chennai, made in TRC No.2701 of 2023 and quash the same and further direct the first respondent bank to refund the amounts of Rs.22,50,934 /- that were transferred from the petitioner's father savings account to the petitioner.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Vast Law Associates

For Respondents : Mrs.Vinithra Srinivasan for R1
R2 – Not ready notice
Mr.A.Karthick for R3

W.P.(MD) No.5427 of 2025:

Parveen Sikkandar

... Petitioner

-vs-

1.M/s.IDBI Bank Limited
represented by its Authorised Signatory
No.115, Anna Salai, Saidapet
Chennai-600 015



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2.Neo Intex Mills Ltd.,
(Dissolved / Liquidated)
rep.by the Official Liquidator
High Court, Madras
Office of the Official Liquidator
Kuralagam
Chennai-600 001

3.The Branch Manager
Canara Bank
Tallakulam Branch
779, Alagar Koil Road
Tallakulam, Madurai-625 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the order of attachment dated 20.09.2024 and the subsequent Garnishee order dated 03.12.2024 of the learned Recovery Officer, Debts Recovery Tribunal-III, Chennai, made in TRC No.2701 of 2023 and quash the same and further direct the first respondent bank to refund the amounts of Rs.1,57,000 /- that were transferred from the petitioner's father savings account to the petitioner.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Vast Law Associates

For Respondents : Mrs.Vinithra Srinivasan for R1
R2 – Not ready notice
Mr.P.Madhan Alexandar for R3



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W.P.(MD) No.5428 of 2025:

S.Sohail Kasim

... Petitioner

-vs-

1.M/s.IDBI Bank Limited
represented by its Authorised Signatory
No.115, Anna Salai, Saidapet
Chennai-600 015

2.Neo Intex Mills Ltd.,
(Dissolved / Liquidated)
rep.by the Official Liquidator
High Court, Madras
Office of the Official Liquidator
Kuralagam, Chennai-600 001

3.M/s.Vishaal Promoters
Private Limited
31, Vishaal De Mall
Gokhale Road, Chinna Chokkikulam
Madurai-625 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the Garnishee order dated 16.09.2024 and the subsequent order of attachment dated 23.09.2024 of the learned Recovery Officer, Debts Recovery Tribunal-III, Chennai, made in TRC No.2701 of 2023 and quash the same and further direct the first respondent bank to refund the amounts of Rs.86,00,000 /- that were transferred from the third respondent to the petitioner.



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For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Vast Law Associates

For Respondents : Mrs.Vinithra Srinivasan for R1
R2 – Not ready notice
No appearance for R3

COMMON ORDER

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

These writ petitions have been instituted challenging the orders of attachment and the subsequent garnishee orders. Such orders are susceptible to an appeal to the Recovery Officer, who has to decide the issue on hand under Rule 11 of Schedule-II of the Income Tax Act, 1961. In any case, writ petition under Article 226 of the Constitution of India is not maintainable in view of the decision of the Honourable Supreme Court in the case of ***Celir LLP vs. Bafna Motors (Mumbai) (P) Ltd.***, reported in **(2024) 2 SCC 1**.

2. Learned counsel appearing for the first respondent – Bank would submit that an alternate efficacious remedy is contemplated under Section 30 of the Recovery of Debts and Bankruptcy Act, 1993.



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3. Since the learned Senior Counsel appearing for the petitioners also made a submission that the matter may be relegated to the Recovery Officer of the concerned Debts Recovery Tribunal for deciding the issues on merits, the petitioners are granted liberty to approach the Recovery Officer in the manner contemplated.

4. In such an event, the Recovery Officer shall take into consideration the period during which the present writ petitions were pending before this Court for the purpose of condonation of delay, if any, and decide the issues on merits and in accordance with law.

5. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[A.D.M.C., J.]

10.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Recovery Officer,
Debts Recovery Tribunal-III,
Chennai.



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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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2025

and
W.M.P.(MD) Nos.3974, 3975, 3976,
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