



**W.P.(MD) No.12611 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.10.2025**

**CORAM:**

**THE HONOURABLE MR.MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE  
and  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P.(MD) No.12611 of 2023  
and  
W.M.P.(MD)No.10652 of 2023**

G.Selvarani,  
W/o.Gurunathan,  
3, Jakkalamman Kovil Street,  
Bodinayakanur, Theni.

... Petitioner

-VS-

1.The Authorized Officer,  
M/s.Canara Bank,  
Bodinayakanur Main Branch,  
Kamarajar Main Bazaar,  
Bodinayakanur,  
Theni – 625513.

2.M.Sukumar,  
S/o.M.Mokkachamy,  
9/22W, Periyandavarpuram,  
Bangarusamy Naicker Street,  
Bodinayakanur,  
Theni – 625513.

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned order dated 30.01.2023 passed by the learned Chief Judicial Magistrate, Theni, in Cr.M.P.No.8492 of 2022 and quash the same as illegal.

For Petitioner : Ms.Sindhuja  
for M/s.Dhana Law Associates

For Respondents : Mr.C.Deepak  
for R1

: No Appearance  
for R2

### **ORDER**

#### **[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

This petition under Article 226 of the Constitution of India seeks issuance of a writ of certiorari to call for the records relating to the order dated 30.01.2023, passed by the learned Chief Judicial Magistrate, Theni, and to quash the same as illegal.

2. Indisputably, against the order of the learned Chief Judicial Magistrate, Theni, an alternate remedy exists for the petitioner before the Debts Recovery Tribunal by moving an application under Section 17 of the



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SARFAESI Act. We do not find any extraordinary reason to entertain the petition without insisting on the exhaustion of the alternate statutory remedy provided under the law.

**3.** Moreover, we find that after the order was passed by the learned Chief Judicial Magistrate, Theni, the property has been sold in auction and purchased.

**4.** In the petition, no challenge has been made to the subsequent actions taken by the first respondent.

**5.** Therefore, we are not inclined to entertain this petition and dismiss the same, giving liberty to the petitioner to approach the Debts Recovery Tribunal, if aggrieved by the order dated 30.01.2023, passed by the learned Chief Judicial Magistrate, Theni.

**6.** Since the present petition was filed on 23.05.2023, the period during which this petition remained pending shall be excluded for the purpose of considering any application made by the petitioner seeking condonation of delay in approaching the Debts Recovery Tribunal.



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**7.** Without expressing any opinion on the merits of the case, the writ petition is, accordingly, dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**[MANINDRA MOHAN SHRIVASTAVA, C.J.]      [R.POORNIMA, J.]**

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NCC : Yes / No  
Index : Yes / No

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**THE HON'BLE CHIEF JUSTICE**  
**and**  
**R.POORNIMA, J.**

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