

**M.U. Manimuthu Vs The Authorized Officer, Central Bank of India,
Egmore, The Branch Manager, Central Bank of India, Sembiam Branch, M.
Alli and M. Ponmozhi**

Court: Madras High Court

Date of Decision: Dec. 9, 2013

Hon'ble Judges: M. Jaichandren, J; K. Kalyanasundaram, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

M. Jaichandren, J.

Heard party-in-person. The present Writ Petition has been filed, challenging the impugned possession notice issued by

the respondent bank, u/s 13(4)(a) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Even though various grounds have been raised on behalf of the petitioner, we are of the considered view that the petitioner ought to make his

claims, relating to the issues arising for the consideration of this Court, in the present Writ Petition, before the appropriate forum, as provided under

the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. We make it clear that it would be open

to the petitioner to raise all the grounds available to him, before the appropriate forum, as per law.

3. It is noted that the Supreme Court, in United Bank of India Vs. Satyawati Tondon and Others, , has made it clear that the scope of interference

by this Court, under Article 226 of the Constitution of India, is limited in nature. It has also made it clear that the statutory schemes provided under

the specific enactments should not be defeated by the exercise of the writ jurisdiction by this Court. As such, the alternative remedies provided to

the petitioner, under the Securitisation and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002, ought not to be

interfered with, by this Court, by invoking its writ jurisdiction, under Article 226 of the Constitution of India. The Supreme Court has reiterated the

said position of law, in a recent decision, in GM, Sri Siddeshwara Co-operative Bank Ltd. and Another Vs. Sri Iqbal and Others, .

4. In view of the above, the petitioner is permitted to move the appropriate forum, provided under the Securitisation and Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 2002, within a period of eight weeks from today, failing which, it would be open to the

respondent bank to proceed further, as per the relevant provisions of law, including the provisions contained in the Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. If the petitioner approaches the appropriate forum in time, as

specified in this order, the appropriate forum shall entertain such matter, on merits and in accordance with law and dispose of the same, without

raising the issue of delay, in the filing of the matter. We also make it clear that the petitioner, including the respondent bank, shall maintain status

quo, for a period of eight weeks from today. In such circumstances, we find it appropriate to dismiss the present Writ Petition, with the

observations and directions, incorporated in this order. Accordingly, the Writ Petition stands dismissed. No costs.