

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 15146 of 2015

Mrs. P. Radhamani

Petitioner

vs.

1. M/s. Bank of India,
Sulur Branch, rep. By its
Authorised Officer,
No.46 UKNR Complex, Trichy Road,
Sulur, Coimbatore 641 005.

2. The Presiding Officer,
Debt Recovery Tribunal,
Coimbatore.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the entire records pertaining to the order dated 28.4.2015 passed in IA. No.337/2015 in SA. No.91/2013 on the file of Debt Recovery Tribunal, Coimbatore and consequential notice Ref.No. SLR/ADV/RK/002 of Sale dated 22.4.2015 of the respondent herein issued under rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002 to conduct 'e' auction of the properties on 30.5.2015 and quash the same.

For petitioner : Mr. S. Silambanan
Sr. Counsel
for
M/s. S. Saravanan

For respondent No.1 : Mr. F.B. Benjamin George

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

By this writ petition, the petitioner seeks to quash the order dated 28.4.2015 passed in IA. No.337/2015 in SA. No.91/2013 on the file of the second respondent, viz., the Debt Recovery Tribunal, Coimbatore ("the Tribunal" for short) and the consequential notice of

sale in Ref.No. SLR/ADV/RK/002, dated 22.4.2015 of the first respondent herein.

2. Learned counsel appearing for the petitioner submits that during the pendency of the application before the Tribunal, possession of the properties, including the housesite, has been taken over. As observed by this Court, since possession cannot be restored during the pendency of the application before the Tribunal, the Tribunal may be directed to consider and decide the pending application, at the earliest.

3. Mr. F.B. Benjamin George, learned counsel appearing for the first respondent bank would submit that appropriate direction may be issued to the Tribunal to expedite the hearing and disposal of the application.

4. Having regard the fact situation of the case, without expressing any opinion on the merits of the case, we deem it fit and proper to direct the Tribunal to consider the pending application being S.A. No. 91 of 2013 on the file of the Tribunal at the earliest and decide the same in accordance with law and on merits, within a period of four weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra

To

1. The Presiding Officer,
Debt Recovery Tribunal,
Coimbatore.

+ 1 cc to Mr.S. Saravanan, Advocate SR.25748
+ 1 cc to Mr.F.B. Benjamin George, Advocate SR. 27800/15
+ 1 cc Government Pleader Sr.

CNR(CO)
EU 08.06.2015

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