

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.25821 of 2015 and M.P. No.1 of 2015

K.R. Subhramaniyan

Petitioner

Vs.

- 1 The Authorised Officer  
United Bank of India  
Tiruchirapalli Beema Nagar Branch  
No.43, Heber Road  
Beema Nagar  
Trichy - 620 001
- 2 United Bank of India  
represented by its Authorised Officer  
Southern Region  
184/192, Sri Durga Towers  
R.K. Mutt Road  
Mandaveli  
Chennai 600 028
- 3 The Registrar  
Debt Recovery Tribunal - II  
Chennai

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records pertaining to the order of the third respondent - Debt Recovery Tribunal-II, Chennai, passed in its proceedings SR No.6460/2015 dated 14.08.2015 and quash the said proceedings dated 14.08.2015 and consequently, direct the DRT II, Chennai, to number the Securitisation Appeal filed by the petitioner and pass orders as it has got jurisdiction.

For petitioner

Mr. T. Mohan

for Mr. P. Anbarasan

For RR 1 & 2

Mr. F.B. Benjamin George  
Standing Counsel

ORDER

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

With the consent of the learned counsel for the petitioner and the learned Standing Counsel for the respondent bank, the writ petition is taken up for final disposal, at the admission stage itself.

2 While the petitioner has preferred an appeal before the Debts Recovery Tribunal-II, Chennai, assailing the 'e' auction sale notice dated 17.07.2015, issued by the respondent bank for auction to be held on 21.08.2015, his wife, who happens to be a co-borrower, has filed an appeal before the Debts Recovery Tribunal, Coimbatore (I/c of Debts Recovery Tribunal, Madurai), challenging the very same e-auction sale notice dated 17.07.2014.

3 This writ petition is filed assailing the legality of the observation dated 14.8.2015 made by the Debts Recovery Tribunal-II, Chennai, holding that the said Tribunal at Chennai does not have jurisdiction and as such, the appeal was returned back with endorsement to prefer the same before the jurisdictional Tribunal at Madurai.

4 Mr. F.B. Benjamin George, learned Standing Counsel appearing for the respondent Bank submits that in the absence of the Presiding Officer in the Debts Recovery Tribunal at Madurai, the Presiding Officer in the Debts Recovery Tribunal at Coimbatore is holding additional charge of the Debts Recovery Tribunal at Madurai.

5 Noticing the change, the co-borrower viz., the wife of the petitioner herein, had filed an appeal before the Debts Recovery Tribunal at Coimbatore, assailing the impugned 'e' auction sale notice and in the said appeal, notice has been received by the Bank.

6 In that view of the matter, without going into the jurisdictional issue in this case, when a co-borrower had already filed an appeal before the appellate authority, we are not inclined to express any opinion in this case. However, we grant liberty to the petitioner to join his wife in the pending appeal or file a fresh appeal before the Debts Recovery Tribunal, Coimbatore, which is in-charge of Debts Recovery Tribunal, Madurai.

7 It is informed that the appeal filed by the petitioner's wife is posted tomorrow, i.e., on 21.08.2015 for hearing before the Debts Recovery Tribunal, Coimbatore. Accordingly, we direct the Debts Recovery Tribunal, Coimbatore, to take up the matter tomorrow and take appropriate decision, on its own merits and in accordance with law.

8 The writ petition stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petition is closed.

ra

s/d-  
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Debts Recovery Tribunal,  
Coimbatore.
2. The Authorised Officer  
United Bank of India  
Tiruchirapalli Beema Nagar Branch  
No.43, Heber Road  
Beema Nagar  
Trichy - 620 001
3. The Authorised Officer  
United Bank of India  
Southern Region  
184/192, Sri Durga Towers  
R.K. Mutt Road  
Mandaveli  
Chennai 600 028.

+ 2 ccs to Mr.P.Anbarasan, Advocate SRs 44326, 44140

+ 1 cc to Mr.E.B.Benjamin George, Advocate SR 49311

vsn(co)  
prk20/8

W.P. No.25821 of 2015

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