

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

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

W.P. No.27679 of 2015

A. Rajkafur

Petitioner

Vs.

- 1 The District Magistrate and
Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Authorised Officer of the
Secured Creditor and Chief Manager,
Indian Bank, No.55 New Road, Sivakasi 123.
- 3 N.Mariappan
- 4 The Tahsildar,
Sivakasi, Virudhunagar District
- 5 The Registrar
Debt Recovery Appellate Tribunal,
No.55 Ethiraj Salai, Chennai 2.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the 4th respondent from implementing his order dated 25.08.2015 made in Na.Ka.A1/12966/2014 under Section 14 of the SARFAESI Act, until the disposal of Appeal under Section 18 of the SARFAESI Act filed by the petitioner before the 5th respondent.

For petitioner

Mr. G. Jermiah
for
M/s. G. Dhandapani

For respondents

Mr. P.S.Sivashanmugasundaram,
Spl. Govt. Pleader

ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 4. With the consent of the learned counsel on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Questioning the order dated 21.07.2015 passed by the Debts Recovery Tribunal at Madurai in S.A.No. 198 of 2014, whereunder, the petitioner's application filed against the Bank was rejected, the petitioner has preferred an appeal under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act"), before the Debts Recovery Appellate Tribunal at Chennai, on 28.08.2015.

3. According to the petitioner, the Tahsildar/4th respondent, in compliance of the order dated 14.08.2014 passed by the District Magistrate and Collector, Virudhunagar District, in exercise of his power under Section 14 of the Act, had issued the proceedings dated 25.08.2015 for handing over the possession of the building in question, without giving a breathing time to the petitioner to obtain an appropriate order of status quo in respect of the property in question.

4. Learned counsel appearing for the petitioner submits that some reasonable time may be granted so that the petitioner can approach the Appellate Authority in pending appeal for interim relief.

5. In view of the above, without expressing any opinion on the merits of the case, the proceedings dated 25.08.2015 issued by the fourth respondent shall remain stayed for a period of two weeks from today to enable the petitioner herein/appellant therein to take appropriate proceedings in the pending appeal before the Debts Recovery Appellate Tribunal, Chennai.

6. This writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

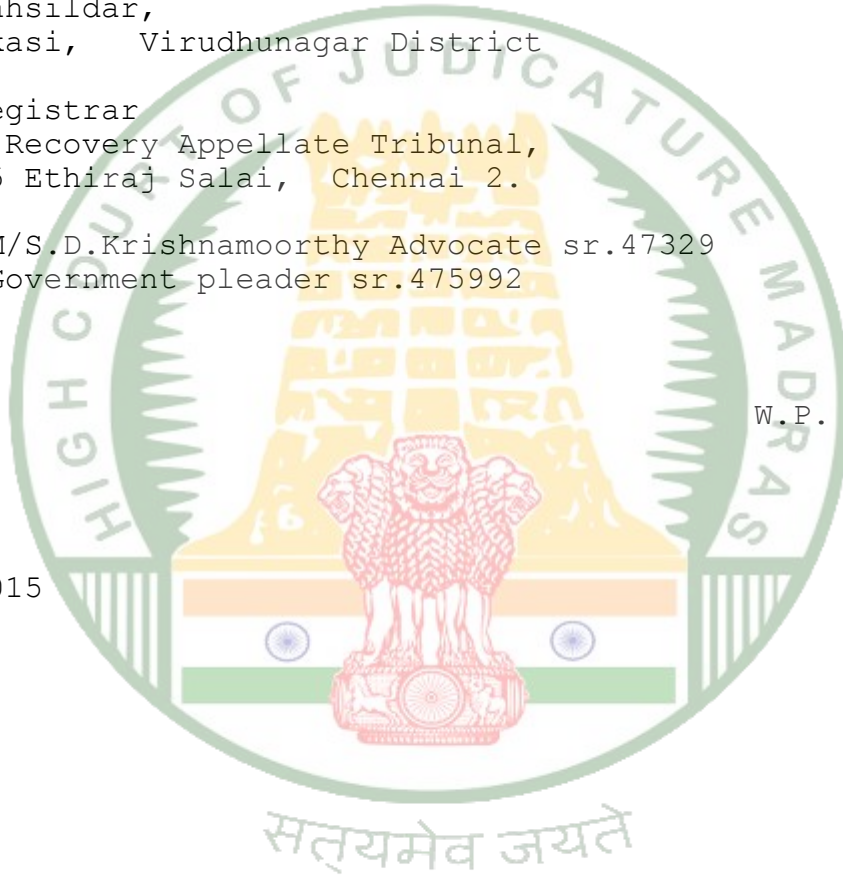
To

- 1 The District Magistrate and
Collector,
Virudhunagar District,
Virudhunagar.
2. The Authorised officer of the Secured
Creditor and Chief Manager,
Indian Bank, No.55, New Road,
Sivakasi-123.
- 3 The Tahsildar,
Sivakasi, Virudhunagar District
- 4 The Registrar
Debt Recovery Appellate Tribunal,
No.55 Ethiraj Salai, Chennai 2.

+1 cc to M/S.D.Krishnamoorthy Advocate sr.47329
+1 cc to Government pleader sr.475992

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