

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.1500 of 2016 and W.M.P. No.1280 of 2016

1	P.S. Sankaranarayanan	
2	S. Rama	Petitioners
	vs.	
1	The Union of India represented by its Secretary to Government Ministry of Finance North Block, New Delhi 110 001	
2	The Authorised Officer Karnataka Bank Ltd. K.K. Nagar Branch No.10, P.T. Rajan Salai K.K. Nagar, Chennai 600 078	
3	D. Mariyappan	
4	M. Valli	
5	The Debts Recovery Tribunal No.2 represented by its Registrar IV Floor, Spencer Tower 770-A, Anna Salai, Chennai 600 002	Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the fifth respondent to dispose of I.A. No.61 of 2015 in O.A. No.80 of 2014 on the file of the 5th respondent within a stipulated period.

For petitioners Mr. J. Antony Jesus

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

The instant writ petition is filed seeking a direction to the fifth respondent, viz., the Debts Recovery Tribunal-II, Chennai, (for short "the Tribunal") to dispose of the Interlocutory Application being I.A. No.61 of 2015 (sic) 2014 filed by the petitioners herein in O.A. No.80 of 2014 filed by

the second respondent bank.

2 The learned counsel for the petitioners submits that the aforestated Interlocutory Application is pending consideration before the Tribunal without any orders being passed thereon. Hence, the instant writ petition seeking the aforestated relief.

3 The petitioners have not pointed out any order, whereunder, their request to dispose of I.A. No.61 of 2014 was declined by the Tribunal. It is for the Tribunal to consider the petitioners' application and take a decision. When the petitioners' application is under consideration before the Tribunal, it is not for the High Court to give such a direction as sought by the petitioners for want of any rejection on the part of the Tribunal to consider their application.

4 Accordingly, we are not inclined to pass any order directing the Tribunal to consider the petitioners' application within a stipulated period. However, it is made clear that if a request is made to the Tribunal, it is for the Tribunal to take a decision judiciously on such request.

Resultantly, the writ petition stands dismissed sans costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1 The Secretary to Government
Ministry of Finance, North Block,
New Delhi 110 001.

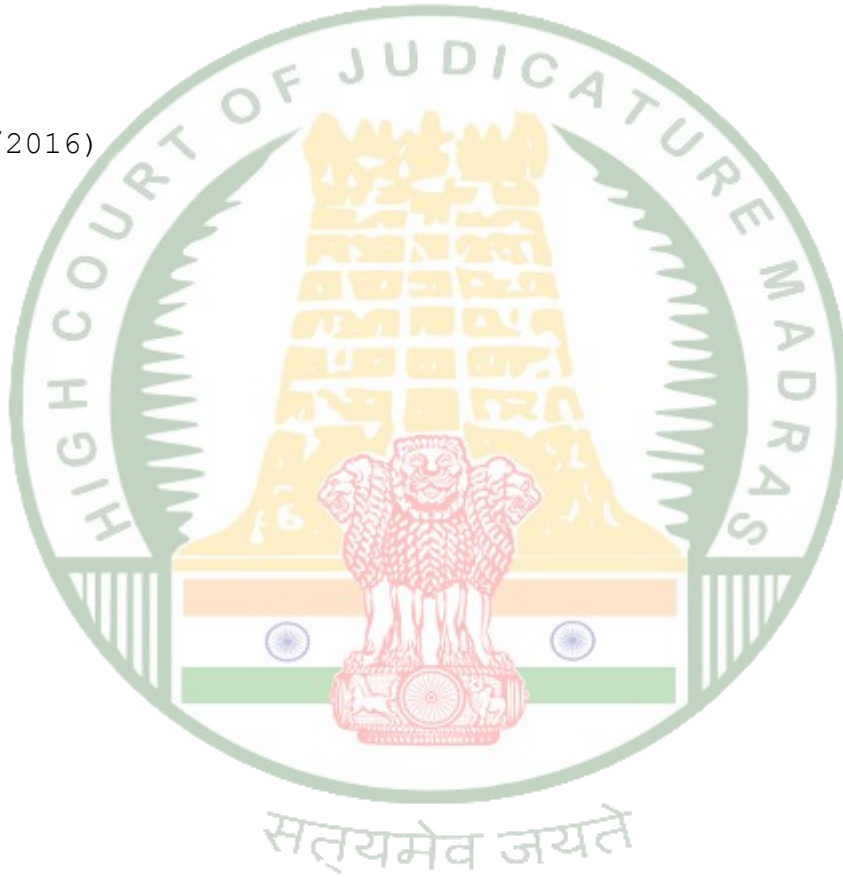
2 The Authorised Officer
Karnataka Bank Ltd.
K.K. Nagar Branch
No.10, P.T. Rajan Salai, K.K. Nagar,
Chennai 600 078

3 The Registrar
Debts Recovery Tribunal No.2
IV Floor, Spencer Tower
770-A, Anna Salai, Chennai 600 002

+ 1 cc to Mr. J. Antony Jesus, Advocate Sr 2738 (11/3/16)

W.P. No.1500 of 2016

ad(CO)
srg(05/02/2016)



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