

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.8.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.18200 of 2016,
Rev.Aplw.103 of 2016,
W.M.P.Nos.15944 of 2016
and
24582 of 2016

W.P.No.18200 of 2016
SNJ Property Management Pvt Ltd
previously at
Old.No.21 New No.18
T.T.K 1st Cross St.
Alwarpet Chennai-600 108.

Currently at
24F Maruthai Avenue
Kotturpuram Ch-600 085
Dr.M.Senthil Nathan

Petitioner

vs.

1 Registrar
DRT-I Dewa Towers
Anna Salai Chennai-600 002

2 Recovery Officer
DRT-I Dewa Towers
Anna Salai Chennai-600 002

3 Kotak Mahindra Bank Ltd
Asset Reconstruction Division
First Floor Ceebros Centre
39 Montieth Road Egmore
Chennai-600 008
by its Authorised Officer

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of 2nd respondent in DRC No. 93/2016/DN dated 22.03.2016 and to quash the same and to further direct the 3rd respondent bank to return to the petitioner the title deeds relating to the petitioner property at Alandur.

For petitioner : Mr.B.Raviraja

For R3 : Mr.H.Karthik Seshadri
for M/s.Iyer & Thomas
R1 & R2 Tribunal

Review Application (Writ)
Kotak Mahindra Bank Ltd
Asset Reconstruction Division
First Floor Ceebros Centre
39 Montieth Road Egmore
Chennai-600 008
rep. by its Authorised Officer
Mr.V.Vijayan

Petitioner/3rd Respondent

vs.

SNJ Property Management Private Limited
Old.No.21 New No.18
T.T.K 1st Cross Street
Alwarpet Chennai-600 108.

Currently at
24F Maruthai Avenue
Kotturpuram Chennai 600 085
rep. by its Director Dr.M.Senthil Nathan..1st
Respondent/Petitioner

- 2 The Registrar
DRT-I Dewa Towers Anna Salai
Chennai-600 002
- 3 The Recovery Officer
DRT-I Dewa Towers Anna Salai
Chennai-600 002 Respondents/Respondents

Prayer: Review Application filed under Article 226 of the Constitution of India read with Order 47 Rule 1 CPC seeking to Review the Order dated 25.07.2016 passed in W.P.No.18200 of 2016 passed by this Court.

For petitioner : Mr.H.Karthik Seshadri

For R1 : Mr.B.Raviraja

COMMON ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus to call for the records of 2nd respondent in DRC No. 93/2016/DN dated 22.03.2016 and to quash the same and to further direct the 3rd respondent bank to return

to the petitioner the title deeds relating to the petitioner property at Alandur.

3. The writ petitioner was arrayed as third defendant in the proceedings in O.A.No.105 of 2009 filed by the Bank before the Debts Recovery Tribunal I, Chennai and it appears that though the writ petitioner was discharged from the proceedings by the Debts Recovery Tribunal, the title deeds deposited by the writ petitioner was not released by the Bank and hence, the interim order was passed in the writ petition. Aggrieved against the same, the review application is filed.

4. The writ petitioner sought to deposit 12% interest as per the order of the Debts Recovery Tribunal which the Bank is disputing on the ground that still Rs.13 crores is due to the bank even as per the calculation and as per the understanding between the parties. In the circumstances, in order to accommodate the parties, this writ petition was entertained. Now, since appeals are filed challenging the order passed by the Debts Recovery Tribunal and the matter is seized of by the Debts Recovery Appellate Tribunal, it has to be decided only by the Debts Recovery Appellate Tribunal. Therefore, extending further period of two weeks time, from the date of receipt of copy of this order, to the parties to get the matter adjudicated, the writ petition is disposed of. The Review Application is also closed. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

1 Registrar
DRT-I Dewa Towers
Anna Salai Chennai-600 002

2 Recovery Officer
DRT-I Dewa Towers
Anna Salai Chennai-600 002

+1 cc to Mr.B.Raviraja,advocate,sr.47099

+2 cc's to Mr.Karthik Seshadri,advocate,sr.47093

gj(co)
krd 14/09

W.P.No.18200 of 2016 &
Rev.Aplw.103 of 2016,