

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18/10/2016

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Writ Petition No.35393 of 2016

M/s. Thirumalai Tile House
a partnership firm
rep. By its Partner
Mr.A.Palanisamy
Coimbatore.

...Petitioner

Vs

1. The Lakshmi Vilas Bank Ltd
rep. By its Authorised Officer
Ramanathapuram Branch
1678 Ground Floor
Trichy Road
Ramanathapuram
Coimbatore 641 045.

2. The Presiding officer
Debts Recovery Tribunal
Coimbatore.

3. A. Palanisamy

...Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the order passed by the second respondent dated 24/9/2016 in I.A.No.1627 of 2016 in S.A.No.192 of 2016 and quash the same.

For petitioners ..Ms. Ananda Gomathy

O R D E R

(Order of the Court was made by S.Manikumar,J)

Order impugned in this writ petition is made in S.A.No.192 of 2016, dated 24th September 2016, on the file of the Debt Recovery Tribunal, Coimbatore.

2. On 5/10/2016, when the matter came up for hearing, indicating that Debt Recovery Appellate Tribunal, Chennai, would be functioning from 10/10/2016, we opined that the order impugned can be challenged, under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. To ascertain as to whether there would be regular sittings of the Debt Recovery Appellate Tribunal, learned counsel for the petitioner requested adjournment, and thus, it is listed today.

4. Reverting, Ms.Ananda Gomathy, learned counsel for the petitioner submitted that Debt Recovery Appellate Tribunal, Chennai has commenced its regular sittings from 10/10/2016 onwards and that a statutory appeal, under Section 18 of the said Act, has been filed. Submission is placed on record.

5. Though the learned counsel for the petitioner further prayed that a direction be issued to the Tribunal, for extension of time, for payment of the statutory deposit, as contemplated under Section 18 of the said Act, this Court is not inclined to grant the prayer, for the reason that, it is for the Tribunal, to consider the facts and circumstances of the case and to take a appropriate decision, on that aspect.

6. In view of the above, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Authorised Officer
Lakshmi Vilas Bank Ltd
Ramanathapuram Branch
1678 Ground Floor
Trichy Road, Ramanathapuram
Coimbatore 641 045.
2. The Presiding officer
Debts Recovery Tribunal, Coimbatore.

+ 1 cc to M/s. Ananda Gomathy, Advocate SR.58683

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RSK(CO)

EU 22.11.16