

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 6/10/2016

C O R A M

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

Writ Petition No.35584 of 2016

Central Bank of India
Chennai Main Branch
rep. By its Authorised Officer/
Chief Manager
No.11 Second Line Beach
Chennai 600 001.

... Petitioner

Vs

1. The Registrar
DRAT Chennai
Indian Bank Building
Ethiraj Salai
Egmore
Chennai 8.

2. M/s. Krishna Constructions
No.5 A Varghese Avenue
Ashok Nagar
Chennai 600 083.

3. Mr.S.Mani

4. Mrs.M.Krishnaveni

5. Mrs.S.Malliga.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to place the appeal papers before DRAT, Chennai or any other Tribunal as Ministry of Finance given charge to decide the matters of DRAT, Chennai and consequently to direct the Appellate Tribunal to dispose of the Appeal No.27 of 2016, within a time frame.

For petitioner : Mr.M.L.Ganesh

O R D E R
(Order of the Court was made by S.Manikumar,J)

Heard Mr.M.L.Ganesh, learned counsel for the petitioner.

2. Material on record discloses that being aggrieved by the order, made in S.A.No.63 of 2016, dated 29th August 2016, on the file of the Debts Recovery Tribunal - II, Chennai, holding that the classification of the loan account of the applicants as NPA, by the Central Bank of India, dated 30/10/2015, as not sustainable. The Tribunal also declared that the possession Notice issued by the Bank, as not sustainable, and thus S.A.No.63 of 2016 has been allowed.

3. Being aggrieved, Central Bank of India, Chennai has filed RA (SA) 27 of 2016 on the file of the Debt Recovery Appellate Tribunal, Chennai.

4. Record of proceedings, dated 9/9/2016 of the Appellate Tribunal is extracted hereunder:-

"Ld. Counsel Mr.M.L.Ganesh for the appellant and Ld Counsel Mr.K.Jayachandran for the respondents 1 to 4 are present.

Heard the Ld. Counsel for the appellant.

Ld. Counsel for the appellants is directed to give copy of the appeal to the Ld. Counsel for the respondents. Ld. Counsel for the respondents seeks time to file reply.

List the case on 24/10/2016, as jointly prayed."

5. In the above said circumstances, Central Bank of India, Chennai has filed the instant writ petition, for a mandamus, directing the Registrar, DRAT, Chennai/first respondent herein or any other Tribunal as Ministry of Finance given charge, to decide the matters of DRAT, Chennai and consequently to direct the Appellate Tribunal, to dispose of the Appeal No.27 of 2016, within a time frame.

6. As extracted supra, R.A (SA) 27 of 2016 has been directed to be listed, on 24/10/2016, as jointly prayed.

7. In the above said circumstances, it is always open to the Bank, to seek for earlier disposal of the appeal before the Tribunal and hence mandamus sought for cannot be granted.

8. In the result, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mvs

To

The Registrar
DRAT Chennai
Indian Bank Building
Ethiraj Salai
Egmore
Chennai 8.

+1cc to Mr.M.L.Ganesh, Advocate, S.R.No.57635

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SSK(CO)
CA(07/11/2016)



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