



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM:

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO**

**W.P. (MD) .No.8446 of 2014
and
M.P.Nos.1 to 3 of 2014**

1.Jaishankar
2.Muthulakshmi
3.Kaliappan
4.Chettu
5.Srinivasan : Petitioners

Vs.

1.Indian Bank, Salem Branch,
Rep by its Assistant Recovery Management Branch,
No.31, Variety Hall Road, Coimbatore.
2.The Recovery Officer, Debts Recovery Tribunal,
3rd and 4th Floors, Kalyani Towers,
Madurai-Melur Road, Madurai.
3. The Presiding Officer, Debts Recovery Tribunal,
3rd and 4th Floors, Kalyani Towers,
Madurai-Melur Road, Madurai.
4. S.Selvakumar, S/o.Senkodan, : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the order passed by the second respondent in I.A.No.513 of 2008 in R.P.No.161 of 2002, dated 31.03.2008, as confirmed by the third respondent in Appeal No.4 of 2008, in T.A.No.282 of 2009, dated 08.04.2014 and quash the same.

For Petitioner : Mr.P.Thirumahilmaran

For Respondent No.1 : Mr.R.Pandivel

For Respondent Nos.2&3 : Mr.K.R.Laxman

For Respondent No.4 : Mr.ARM.Ramesh

**O R D E R***********

[Order of the Court was made by The Hon'ble The Chief Justice]

We are of the view that the matter does not only pertain to a simple question of law and thus, the appropriate course of action for the petitioner would be to avail of the appeal remedy before the Debts Recovery Appellate Tribunal. We grant fifteen days time to the petitioner to file an appeal and the interim application for stay. We are informed that there is no Chairman of the Debts Recovery Appellate Tribunal at the moment.

2. We direct that the interim orders granted to the petitioner would enure to the benefit of the petitioner till such time the Debts Recovery Appellate Tribunal is duly constituted and considers the interim prayer of the petitioner, making it clear that the grant of interim relief earlier by this Court, would not in any way influence the Tribunal either in consideration of the interim relief or the final appeal, the Writ Petition is disposed of in the aforesaid terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

NB

To

1.The Recovery Officer, Debts Recovery Tribunal,
3rd and 4th Floors, Kalyani Towers, Madurai-Melur Road,
Madurai.

2.The Registrar, The Debts Recovery Appellate Tribunal,
Chennai.

3. The Presiding Officer, Debts Recovery Tribunal,
3rd and 4th Floors, Kalyani Towers,
Madurai-Melur Road, Madurai

4. Indian Bank, Salem Branch,
Rep by its Assistant Recovery Management Branch,
No.31, Variety Hall Road, Coimbatore.

+1CC to Mr.P.Thirumahilnaran, Advocate Sr.No.29546

+1CC to Mr.A.R.M.Ramesh, Advocate Sr.No.29585

+1CC to Mr.R.Pandivel, Advocate Sr.No.29691

GJM/SKS/RR/23.6.16-2p-8c