



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.P. (MD) No. 18828 of 2016

and

W.M.P. (MD) No. 13611 of 2016

1. Rajappa Rajkumar
2. Kalpana Rajkumar

... Petitioners

Vs.

1. The Authorized Officer,
Canara Bank,
Thuvakudi Branch,
Trichy-620 015.

2. The Registrar,
Debts Recovery Tribunal,
Madurai.
(In charge Debts Recovery Tribunal,
Coimbatore)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the order of Ad Interim Injunction dated 27.7.2016 in. I.A.No.1410 of 2016 in S.A.No.258 of 2016 on the file of Debts Recovery Tribunal, Madurai (in Charge Debts Recovery Tribunal, Coimbatore) and quash the same in so far as it relates to imposition of conditions for grant of the order of Ad Interim injunction and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.J.Anandakumar

For Respondents : Mr.N.Dilip Kumar

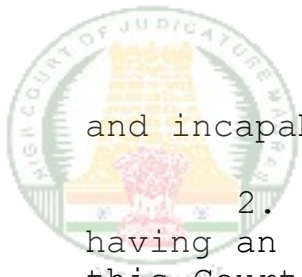
Standing Counsel for Canara Bank

ORDER

(Order of this Court was delivered by M.SATHYANARAYANAN, J.)

By consent, this Writ Petition is taken up for final disposal.

The petitioner made challenge the conditional order dated 27.07.2016 made in S.A.No.258 of 2016, on the file of the Debts Recovery Tribunal, Madurai (In-charge of Debts Recovery Tribunal, Coimbatore) on the ground that the conditions imposed are onerous



and incapable of compliance.

2. Though as against the said order, the petitioner is having an alternative remedy under Section 18 of the SARFAESI Act, this Court has entertained the writ petition on the ground that at that time, there was no Presiding Officer for the Debts Recovery Tribunal at Chennai and the petitioner has to avail the said remedy before the Debts Recovery Tribunal, Allahabad and while entertaining this writ petition, this Court also passed a conditional order dated 29.09.2016 and admittedly, the said order has not been complied with.

3. In the light of the fact that the Presiding Officer has been posted to the Debts Recovery Tribunal at Chennai, this Court is of the view that the petitioner, subject to legal advise, may avail the said remedy before the said Forum. Therefore, this Writ Petition is disposed of granting liberty to the petitioner to avail alternative remedy under Section 18 of the SARFAESI Act before the Debts Recovery Tribunal at Chennai. There shall be no order as to costs. Interim order already granted shall stand vacated. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Authorized Officer,
Canara Bank,
Thuvakudi Branch,
Trichy-620 015.
2. The Registrar,
Debts Recovery Tribunal,
Madurai.
(In charge Debs Recovery Tribunal,
Coimbatore)
3. The Registrar,
Debts Recovery Tribunal,
Chennai.

+ 1 CC TO Mr.N.DILIP KUMAR, ADVOCATE IN SR No. 68389

SSL

TE/PV : 29/11/2016 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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