



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD) .No.6240 of 2016

and

W.M.P. (MD) .Nos.5492 and 5493 and 6048 of 2016

1.Sree Narayana Textile Pvt.Ltd,
Visalakshi Nagar, Madurai-401,
rep.by its Director,
Mr.N.Thiyagarajan.

2.Mr.N.Thiyagarajan

3.Mr.N.Palaniappan

...Petitioners

Vs

1.Industrial Development Bank of India,
No.115, Anna Salai,
Saidapet, Chennai-15.

2.The Recovery Officer,
Debts Recovery Tribunal No.2,
4th Floor, Dewa Towers,
770-A, Anna Salai, Chennai-2.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the second respondent in respect of e-auction sale in DRC No.211/07, dated 25.02.2016 in which sale has to be held on 30.03.2016 which has been published in "The New Indian Express, Madurai Edition, 27.02.2016 relating to the petitioner's property measuring 30 acres and 16 cents with plant and machineries situate at Kulasekaran Kottai Village, Vadipatti Taluk, Madurai District.

For Petitioner

:Mr.PT.S.Narendra Vasan

For R.1&2

:Mr.J.Prabakaran for

Mr.K.R.Laxman

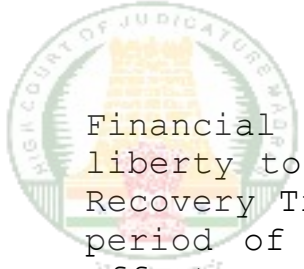
Proposed implead Party

:Mr.T.Lajapthi Roy

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

<https://hcservices.ecourts.gov.in/hcservices/> Learned Counsel for the petitioner, on instructions, would submit that in the light of the alternative remedy available under Section 30 of the Recovery of Debts Due to Banks and



Financial Act, 1993, he is withdrawing this Writ Petition with liberty to pursue the said remedy before the jurisdictional Debts Recovery Tribunal and prays for extension of time by excluding the period of limitation. He has also made an endorsement to that effect.

2. This Court heard the submissions of the learned Counsel appearing for the petitioner.

3. In the light of the above, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to file an appeal before the jurisdictional Debts Recovery Tribunal within a period of three weeks from the date of receipt of a copy of this order and if the papers are otherwise in order, the said Tribunal is directed to entertain and dispose of the same without putting the issue of limitation. The petitioner is also at liberty to file a petition for stay. If it is done, it can be taken up initially for disposal, after putting the parties on notice. The Debts Recovery Tribunal concerned shall make every endeavour to dispose of the appeal itself, as expeditiously as possible. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

1.The Industrial Development Bank of India,
No.115, Anna Salai, Saidapet, Chennai-15.

2.The Recovery Officer, Debts Recovery Tribunal No.2,
4th Floor, Dewa Towers, 770-A, Anna Salai, Chennai-2.

+1cc to M/s.P.T.S.Narendravasan, Advocate in SR.56716

+1cc to M/s.J.Prabakaran, Advocate in SR.56705

+1cc to M/s.T.Lajapathi Roy, Advocate in SR.56961

W.P(MD) .No.6240 of 2016
28.09.2016

ssm

PBK/SK-SKN/SAR-I 29.09.2016 ::2p-6c:(IT)