

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17/7/2017

C O R A M

The Honourable Mr.JUSTICE S. MANIKUMAR
and
The Honourable Mrs.JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No.7697 of 2017

T.N.Nitiyananda Rahavan

... Petitioner

Vs

1. The Presiding Officer
Debts Recovery Tribunal - III
Anna Salai
Chennai.

2. The Authorised Officer
Indian Overseas Bank
Ekkattuthangal
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus directing the first respondent to number M.A.SR.No.2109 of 2017 in S.A.274/2015 on the file of the first respondent and dispose it off, according to law.

For Petitioner ... Mr.K.Manikandan
for Mr.S.Senthilnathan

For Respondent ... Mr.Ashok Rajan
for Mr.F.B.Benjamin George
for R.2

O R D E R

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

Borrower has sought for a writ of mandamus, directing the Presiding Officer, Debts Recovery Tribunal - III, Chennai, to number M.A.SR.No.2109 of 2017 and dispose of the same, in accordance with law.

2. Debts Recovery Tribunal - II, Chennai, has returned M.A.SR.No.2109 of 2017, as hereunder:-

"Fresh SA to be filed against fresh cause of action.

May be returned granting three weeks time.

Counsel has represently the MA, SA is challenging the possession notice that SA is orders respected. But the counsel has reserved. But counsel has represented the MA for challenging the e-auction proposed to be held on 3/4/2017. Fresh IA to be filed against fresh cause of action.

May be returned."

3. When Registry of the Debts Recovery Tribunal - III, Chennai, has returned M.A.SR.No.2109 of 2017, it is the duty of the learned counsel for the petitioner therein, to represent it, after complying with the defects pointed out and in case, where there is no requirement to rectify, request should have been made, to the Registry to post M.A.SR.No.2109 of 2017, before the Presiding Officer, for maintainability.

4. On this day, when the instant writ petition, came up for further hearing, Mr.K.Manikandan, learned counsel for the petitioner submitted that returned M.A.SR.No.2109 of 2017 has been re-presented, to the Registry of the Debts Recovery Tribunal - III, Chennai. Liberty is given to the petitioner, to process the same in accordance with law.

5. In view of the submission made by the learned counsel appearing for the petitioner, the prayer sought for cannot be issued.

6. Accordingly, this writ petition is dismissed. Interim order, already granted, on 3/4/2017, is vacated. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mvs.

To

1. The Presiding Officer
Debts Recovery Tribunal - III
Anna Salai
Chennai.

+1cc to Mr.Subramani,Advocate sr.49941

+1cc to Mr.Banjamin George,Advocate sr.49951

W.P.No.7697 of 2017

mg(co)
ss(2/8/2017)



WEB COPY