

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13441 of 2017
and WMP No.14495 of 2017

M/s. Subhashri Bio Engineers (P) Ltd.,
Rep. by its Managing Director, S.Durairaju ... Petitioner

vs.

1. The Registrar,
Debts Recovery Tribunal,
Coimbatore.

2. The Authorized Office,
Indian Overseas Bank,
Fair Lands Branch, Fifth Cross,
Brindavan Road, Fair Lands, Salem - 636 016 ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a writ of Mandamus, forbearing the second
respondent from proceeding further with the possession notice dated
16.02.2017 issued under Section 13(4) of the SARFAESI Act till the
disposal of the securitisation application filed in SA SR number 3244 of
2017 on th file of the first respondent.

For Petitioner : Mr.M.Devaraj
For Respondents : Mr.F.B.Benjamin George (For R2)

ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

Contending inter alia that District 'Namakkal' has not been notified to be within the purview of Debts Recovery Tribunal, Coimbatore, instant writ petition has been filed by the borrower, seeking for a writ of mandamus forbearing the Authorised Officer, Indian Overseas Bank, Fair Lands, Salem, the 2nd respondent herein from proceeding further with the possession notice dated 16.02.2017, issued under Section 13(4) of the SARFAESI Act, till the disposal of the securitisation application filed, in SA SR Number 3244 of 2017 on the file of the first respondent.

2. Record of proceedings shows that on 24.05.2017, while ordering notice, a Hon'ble Division Bench has ordered as hereunder.

"Notice of motion returnable in four weeks. Private notice is also permitted.

2. The learned counsel appearing for the petitioner would submit that though the jurisdiction lies before the tribunal, the Debts Recovery Tribunal has not entertained the application filed on the premise that the verification is not forthcoming insofar as Namakkal District is concerned.

Therefore, the petitioner is left with no other option except to approach this Court to protect its interest, till such a notification is filed.

3. Considering the same, there shall be an order of status quo, as on today."

3. On this day, when the matter came up for further hearing, Mr.F.B.Benjamin George, learned counsel for bank / 2nd respondent submitted that DRT, Coimbatore, is entertaining SARFAESI applications filed in respect of Namakkal District also.

4. Mr.M.Devaraj, learned counsel for the petitioner submitted that SA SR No.3244 of 2017 filed on the file of Debts Recovery Tribunal, is neither returned nor SA SR No.3244 of 2017, is numbered.

5. Placing on record the above submissions, Registry of Debts Recovery Tribunal Coimbatore, is directed to process SA SR No.3244 of 2017, by adhering to Rule 6 of the procedure rules, within a period of two weeks from the date of receipt of a copy of this order. Interim order already granted to continue till then.

6. Writ petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

(S.M.K., J.) (V.B.S., J.)
12.09.2017

Index: Yes/No.

Internet: Yes

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To

1. The Registrar,
Debts Recovery Tribunal,
Coimbatore.

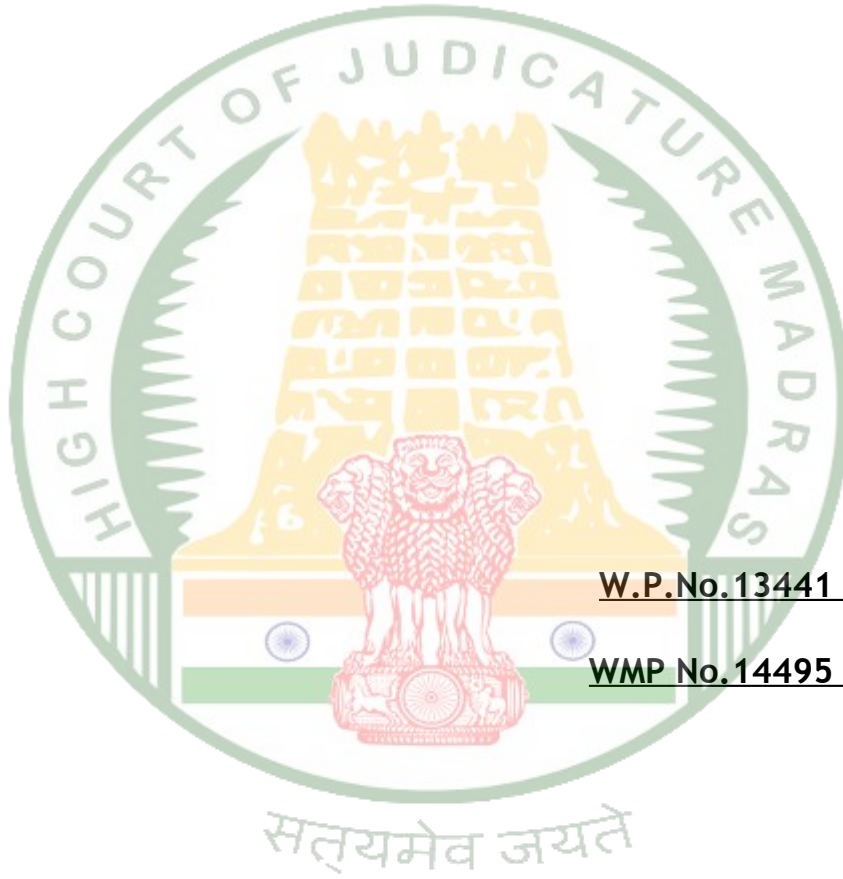
2. The Authorized Office,
Indian Overseas Bank,
Fair Lands Branch, Fifth Cross,
Brindavan Road, Fair Lands, Salem - 636 016



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