

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM:

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

WP No.34629 of 2016
and WMP No.29835 of 2016

Authorised Officer,
Indian Bank,
ARMB, Ethiraj Salai,
Egmore, Chennai - 600 008 ... Petitioner/Petitioner

vs.

1. The Debts Recovery Tribunal-I,
No.770A, Anna Salai,
"Dewa Towers".
5th Floor,
Chennai - 600 002.
2. Mrs.M.Nazneen
3. Mrs.K.Chithra
4. Authorised Officer,
Indian Bank, Thousand Lights Branch,
611, Anna Salai, Chennai - 600 035. ... Respondents/Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari, calling for the records relating to the order dated 29.08.2016 made in S.A.No.51 of 2011 passed by the 1st respondent and quash the same.

For Petitioner : Mr.V.Kalyanasundaram
for M/s.Aiyar and Dolia

For Respondents : Mr.V.Lakshminarayanan
for Mr.Govind Chandrasekar (for R2)
Mr.M.Praveen Kumar
for Mr.P.V.Muralidharan (for R3)

ORDER

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

When there was no Hon'ble Presiding Officer in Debts Recovery Appellate Tribunal, Authorised Officer, Indian Bank, ARMB, Chennai has filed W.P.No.34629 of 2016.

2. Record of proceedings shows that in WMP No.29835 of 2016 in WP.No.34629 of 2016, this Court has granted interim stay on 30.09.2016.

3. On 06.07.2017, when W.P.No.10084 of 2017, filed by borrower came up for hearing, Mr.V.Kalyanaraman, learned counsel for the bank submitted that subsequently, being aggrieved by the order made in S.A.No.51 of 2009, Authorised Officer, Indian Bank, has filed appeal in AIR No.396 of 2016, before the Debts Recovery Appellate Tribunal, Chennai.

4. Taking note of the above submission, we directed W.P.No.10084 of 2017 to be tagged alongwith W.P.No.34629 of 2016 and thus, both are listed today.

5. Inasmuch Bank has filed a separate appeal against the order in S.A.No.51 of 2009, before the Debts Recovery Tribunal-I, Chennai, there cannot be two parallel proceedings, one in W.P.No.34629 of 2016 and the other in AIR No.396 of 2016 before the Debts Recovery Appellate Tribunal.

6. For the reasons stated supra, W.P.No.34629 of 2016, is dismissed. No costs. Interim stay granted in WMP No.34629 of 2016 is vacated.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ars

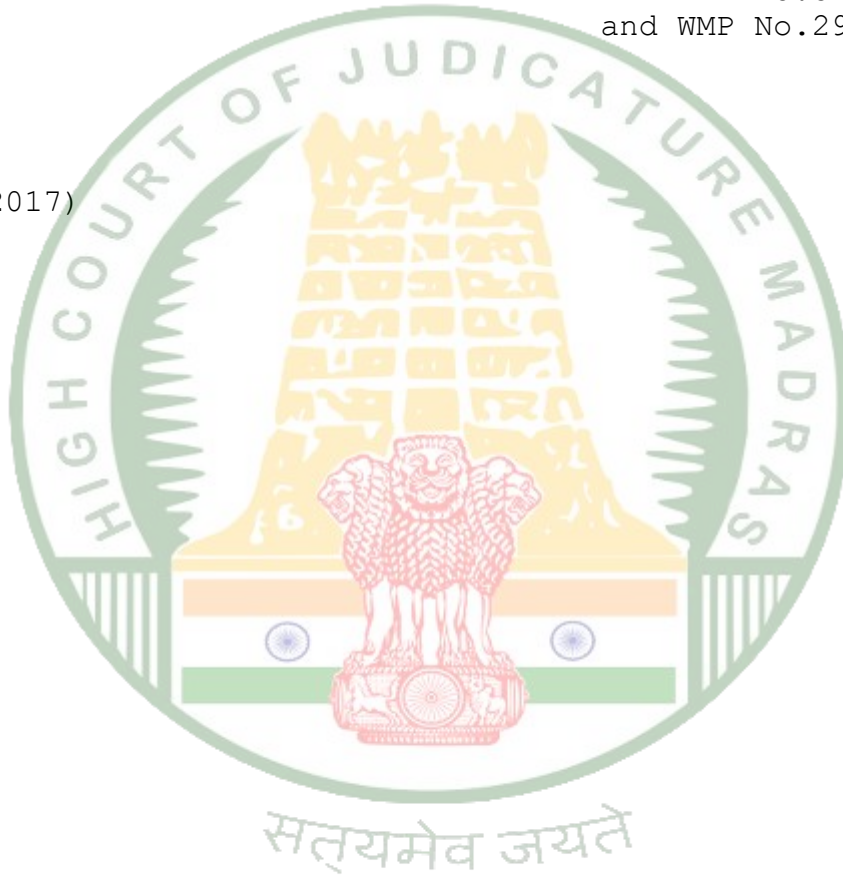
To

1. The Debts Recovery Tribunal-I,
No.770A, Anna Salai,
"Dewa Towers".
5th Floor,
Chennai - 600 002

+1cc to M/s.Aiyar&Dolia, Advocate for petitioner, S.R.No.47473

WP No.34629 of 2016
and WMP No.29835 of 2016

KJ(CO)
CU(26/07/2017)



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