



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

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CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P.[MD].No.4674 of 2017

S.Rathinasamy : Petitioner

Vs.

The Registrar,  
Debts Recovery Tribunal, Madurai. : Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to receive the petition under provisions of the Insolvency and Bankruptcy Act 2016 and consequently number the same, if it is in order.

For Petitioner : Mr.P.Murugesan

### O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.** ]  
Heard the learned counsel for the petitioner.

2. The petitioner seeks for a Writ of Mandamus directing the respondent to receive the petition filed under the provisions of the Insolvency and Bankruptcy Act 2016 and consequently number the same, if it is in order.

3. The learned counsel for the petitioner submitted that the Debts Recovery Tribunal is not taking up the petition filed under the provisions of the Insolvency and Bankruptcy Act 2016, on the ground that there is no instruction from the Government of India.

4. An Identical issue came up for consideration before a Division Bench of this Court in W.P.[MD].No.24529 of 2016, dated 01.02.2017 and the said Writ Petition was dismissed by recording the communication from the Ministry of Finance Department of Financial Service dated 31.01.2017, to the effect that the Provincial Insolvency Act, 1920 and the Presidential Towns Insolvency Act, 1909, continue to remain intact.

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

5. In the light of the above, the present Writ Petition is



also dismissed, giving liberty to the petitioner to approach the Civil Court for appropriate relief. No costs.

Sd/-

Assistant Registrar(AS)

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/True copy/

Sub Assistant Registrar

To

The Registrar,  
Debts Recovery Tribunal, Madurai.

+1cc to M/S.P.MURUGESAN, Advocate SR.No.15876

ORDER MADE IN  
W.P.[MD].No.4674 of 2017  
20.03.2017

JM/SKN RSK/28.03.2017/2P/3C