

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9/3/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition Nos.24998, 8900 and 8901 of 2017

P.Ramakrishna Raju

...

Petitioner in all the
writ petitions

Vs

1. Canara Bank
rep. By its Senior Manager
Mr.B.R.Balasundar
Peenya Branch.
2. M/s. New Tech Industries (Kar) Private Limited
B-1/13, Peenya Industrial Estate
I Stage I Cross
Bangalore 560 058.
3. Sri Ramgopal Sharma
4. Smt.Mallika Sharma
5. Sri.S.Raghavan
6. Smt.Anitha Suresh
7. Sri A.Jayakumar
8. Sri.A.Prabhakar
9. Smt.Jayalakshmi
10. Sri G.Suresh
11. The Area Manager
LIC Housing Finance Ltd
15/1 Hayes Road
Bangalore 560 025.

Sri.S.Shantaram (deceased) -
formal party

...

Respondents in all
the writ petitions

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Prayer in W.P.No.24998 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorari to call for the records pertaining to the order dated 21/8/2017 passed in I.A.No.783 of 2013 in R.A.No.18 of 2013 against O.A.No.41 of 2009 by the Hon'ble Debts Recovery Appellate Tribunal, Chennai and quash the same.

Prayer in W.P.No.8900 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorari to call for the records pertaining to the common order dated 16/3/2017 passed in A.I.R.No.916 of 2009 and R.A.No.18 of 2013 by the Hon'ble DRAT, Chennai and quash the same.

Prayer in W.P.No.8901 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorari to call for the records pertaining to the common order dated 16/3/2017 passed in M.A.No.149 of 2009 and R.A.No.18 of 2013 by the Hon'ble DRAT, Chennai and quash the same.

For petitioner ... Mr.T.Omprakash
Senior Counsel for
Mr.M.Sarfudeen Ali Ahamed

For respondents... Mr.R.Uma Suthan
for R.1

For R.R.2 to 5, 9 & 11
- Not ready notice.

Mr.N.C.Ramesh
Sr. Counsel
for D.S.N.Gandhi
for R.R.6 and 10

Mr.Damodaran
for
Mr.D.Krishnapradeep
for R.R.7 and 8

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C O M M O N O R D E R

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

Writ Petition No.24998 of 2017 has been filed for a writ of certiorari to quash the order dated 21/8/2017 passed in I.A.No.783 of 2013 in R.A.No.18 of 2013 against O.A.No.41 of 2009 by the Hon'ble Debts Recovery Appellate Tribunal, Chennai.

2. Writ Petition No.8900 of 2017 has been filed for a writ of certiorari, to quash the common order, dated 16/3/2017, passed in A.I.R.No.916 of 2009 and R.A.No.18 of 2013, by the Hon'ble DRAT, Chennai.

3. Writ Petition No.8901 of 2017 has been filed for a writ of certiorari to quash the common order, dated 16/3/2017, passed in M.A.No.149 of 2009 and R.A.No.18 of 2013, by the Hon'ble DRAT, Chennai.

4. Heard Mr.T.Om Prakash, learned Senior Counsel for Mr.M.Sarfudeen Ali Ahamed.

5. Mr.R.Umasuthan, has entered appearance for the first respondent. Mr.Damodaran for Mr.D.Krishnapradeep has entered appearance for R.R.7 and 8. Mr.N.C.Ramesh, learned Senior Counsel appeared for Mr.D.S.N.Gandhi for the respondents 6 and 10. Service is awaited for respondents 3 to 5, 9 and 11. Tapal is returned for the second respondent.

6. Above learned counsel appearing on either side submitted that except the parties, who have entered appearance, interests of the others would not be affected, if all the orders impugned in these writ petitions are set aside and matters remitted back to the Debts Recovery Appellate Tribunal, Chennai, for fresh disposal. Learned counsel have consented for the impugned orders, be set aside.

7. Placing on record the above, orders impugned in the present writ petitions, are set aside. Writ Petitions are allowed. Matters are remitted back to the Debts Recovery Appellate Tribunal, Chennai, for fresh disposal, on merits. Parties are at liberty to raise all the contentious issues, now raised before this Court. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mvs.

copy to

The Registrar
Debts Recovery Appellate Tribunal Chennai

+2 ccs to Mr.Veerapathiran Advocate sr 18333
+2 ccs to Mr.Sarfudeen Ali Ahmed Advocate sr 18334
+1 cc to Mr.N.Damodarasn Advocate sr 18274

Writ Petition Nos.
24998, 8900 and 8901 of 2017

mg(co)
aa14/03/2018

सत्यमेव जयते
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