

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH
and
THE HON'BLE MR. JUSTICE M.V. MURALIDARAN

W.P. No.5060 of 2017

T. Ashok Surana

...Petitioner in person

vs.

1 The Chairperson
Hon'ble Debts Recovery Appellate Tribunal
Indian Bank Circle Office
55, Ethiraj Salai IV Floor
Egmore
Chennai 600 006

2 The Authorised Officer
Indian Bank
Asset Recovery Management Branch 1
55, Ethiraj Salai
Egmore
Chennai 600 006

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of declaration declaring that the order of the first respondent in MA 41 of 2016 (T) dated 16.12.2016 on the file of the Hon'ble DRAT, Chennai, as illegal, non est and void for approving violation of the petitioner's fundamental rights in the most gruesome manner possible under threat of arrest and not deciding the jurisdictional issues raised and mould the relief.

For petitioner Mr. T. Ashok Surana - Party in person

For R2 Mr. Jayesh B. Dolia
for M/s. Aiyar & Dolia

ORDER

(Order of the Court was made by P.N. PRAKASH, J.)

This writ petition has been preferred seeking the following prayer:

"a writ of declaration declaring that the order

of the first respondent in MA 41 of 2016 (T) dated 16.12.2016 on the file of the Hon'ble DRAT, Chennai, as illegal, non est and void for approving violation of the petitioner's fundamental rights in the most gruesome manner possible under threat of arrest and not deciding the jurisdictional issues raised and mould the relief."

2 Heard the petitioner, who appeared as party in person and Mr. Jayesh B. Dolia, learned Standing Counsel for the respondent/Indian Bank.

3 The petitioner filed a transfer application in M.A. No.41 of 2016 before the Debts Recovery Appellate Tribunal, Chennai (for short "the DRAT") seeking transfer of O.A. No.247 of 2015 preferred by Indian Bank from the file of the Debts Recovery Tribunal-II, Chennai, (for short "the DRT") to any other Tribunal. The DRAT dismissed the said application vide order dated 16.12.2016. Assailing the said order, the petitioner has preferred this writ petition.

4 The petitioner contended that during the hearing of the proceedings in O.A. No.247 of 2015, he was detained by the Presiding Officer of the DRT illegally and therefore, he had no other option, but, to file a Transfer Application before the DRAT.

5 However, it is seen that O.A. No.247 of 2015 preferred by Indian Bank has been allowed as early as 22.05.2017. In such view of the matter, nothing survives for adjudication in this writ petition.

Ex consequenti, this writ petition is dismissed as having become infructuous. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

cad
To

1.The Presiding Officer
The Debts Recovery Appellate Tribunal
Indian Bank Circle Office
55, Ethiraj Salai IV Floor
Egmore
Chennai 600 006

+1cc to Mr.Aiyar & Dolia, Advocate, S.R.No.76165

W.P. No.5060 of 2017

SSV(CO)
GSP(05/12/2018)