



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2018
CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS. JUSTICE R.THARANI**

W.P.(MD).No.2556 of 2018

and

W.M.P.(MD).Nos.3599 and 2758 of 2018

M/s. Associated Trading Corporation Pvt. Ltd.,
Rep by its Authorised Signatory
Mr.R.Tamilselvan
C/o.Rukmani Mills Limited
Silaiman Post,
Madurai-625 201.

... Petitioner

Vs.

1.The Presiding Officer,
Debts Recovery Tribunal,
IV, Floor, Kalyani Tower,
Melur Road,
Madurai.

2.State Bank of India,
Rep by its Chief Manager/
Authorised Officer,
Stressed Assets Management Branch,
No.1112, Raja Plaza,
Avinashi Road,
Coimbatore-641 037.

3.M/s.Rukmani Mills Ltd.,
Rep by its Director,
Silaiman
Madurai-625 201.

4.S.Balasubramanian
5.S.Kumarappan
6.S.Valliappan
7.S.Palaniappan
8.S.Thangarajan

9.Industrial Investment Bank of India Ltd.,
Southern Zonal Office, Spencer Plaza,
769, Anna Salai, Chennai-600 002.



10.The Cotton Corporation of India Ltd.,
Air India Building,
12th Floor,
Nariman Point, Mumbai-400 021.

11.A.R.Sridharan

12.A.R.Kannan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to decide the Original Application I.A.995/97 in O.A.No.11 of 2008 finally within a time frame fixed by this Court instead of deciding the petitions filed by the 2nd respondent for release of Original Title Documents and to delete the "B" Schedule property from the Original Application.

For Petitioner : Mr.S.Suresh for
M/s.Aiyar and Dolia

For R2 : Mr.S.Sethuraman

: Mr.Vadamalaikannan for Vast Law
Associates for R11

For R3 to R10
and R12 : No appearance

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Hear Mr.S.Suresh, learned counsel appearing for the petitioner and Mr.S.Sethuraman, learned counsel appearing for the second respondent.

2.The petitioner is before this Court with an innocuous relief for a direction to the Debts Recovery Tribunal, Madurai to decide the Original Application in O.A.No.11 of 2008 finally within a time frame fixed by this Court instead of deciding the petitions filed by the second respondent for release of Original Title Documents and to delete "B" schedule property from the Original Application.

3.Sofaras the first limb of relief sought for by the petitioner can be considered, but however, we find that unless there are circumstances which warrant direction to be issued to the Tribunal, the Court exercising power under Article 226 of the Constitution should restrain itself and allow the Tribunal to function in accordance with law. There is no allegation made by the petitioner that the Tribunal is prolonging the matter, despite they being ready to conduct the cases. The reason for seeking such prayer is an attempt to indirectly seek for different relief, which obviously cannot be considered by this Court and direction cannot be issued as



sought for by the petitioner. All that, we can observe is that the Tribunal shall decide the Original Application in O.S.No.11 of 2008, in accordance with law as per the procedure, which is being followed by the Tribunal, which govern the procedure.

4.It is needless to state that if any Interlocutory Applications are pending, decisions should be taken on the Interlocutory Applications, but we do not say as to how and in what manner the Interlocutory Applications has to be disposed of and it is for the Tribunal to do so, in accordance with law.

5.With the above observation, this Writ petition is disposed of. No costs. Consequently, the connected M.Ps are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Debts Recovery Tribunal,
IV, Floor, Kalyani Tower,
Melur Road,
Madurai.

+1cc to M/s.Vast Law Associates, SR.No.55281

+1cc to M/s.Aiyar and Dolia, Advocate, SR.No.55562

+1cc to M/S.V.KARTHIKEYAN, Advocate, SR.No.54782

Ns

RL/4C/3P/SV/MMS/SAR1/17/4/2018

W.P. (MD) .No.2556 of 2018

13.03.2018