

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.25021 of 2005 and
W.P.M.P.No.27397 of 2005

N.Nagappan

...Petitioner

Vs

1.State Bank of India
Tirunelveli
S.N. High Road
Tirunelveli

2. The Presiding Officer
The Debts Recovery Tribunal at
Chennai
Spencer Towers
Anna Salai, Chennai

3. The Recovery Officer,
The Debts Recovery Tribunal at Chennai
Spencers Towers
AnnaSalai, Chennai

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in O.A.No. 492 of 2002 dated 06.12.2000 quash the same and direct the respondents to desist from bringing the Schedule mentioned properties for auction on 05.08.2005 or subsequently in D.R.C.No. 106 of 2004.

For Petitioner : Mr.A.Thameem Mohideen

For Respondents : Mr.K.Veeramani , for R1.
R2 & R3 - Tribunal.

O R D E R

The order of the 2nd respondent in O.A. No.492 of 2002 dated 06.12.2000 is sought to be quashed in the present writ petition.

2. On a perusal of the order impugned 06.12.2000, the said order was passed by the Debt Recovery Tribunal at Chennai in Original Application No.492 of 2000.

3. Against the order passed by the Debt Recovery Tribunal, an appeal is provided under the Act and therefore, the petitioner has to approach the competent Appellate Tribunal for the purpose of redressing his grievances. This apart, the learned counsel for the petitioner states that inspite of his efforts, he is unable to secure instructions from the petitioner. The learned counsel for the respondent is also unable to inform this court about the current status of the case.

4. Thus, the Court is unable to consider the merits in relation to the issues raised in the present writ petition. However, on a plain reading of the impugned order, this Court is of an opinion that the order

impugned is an appellable one and the writ petitioner has to approach the competent Appellate Tribunal for the purpose of redressing his grievances. Accordingly, it is left open to the writ petitioner to redress his grievances in the manner known to law.

5. With these observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kak/kmm

To

1.State Bank of India
Tirunelveli
S.N. High Road
Tirunelveli

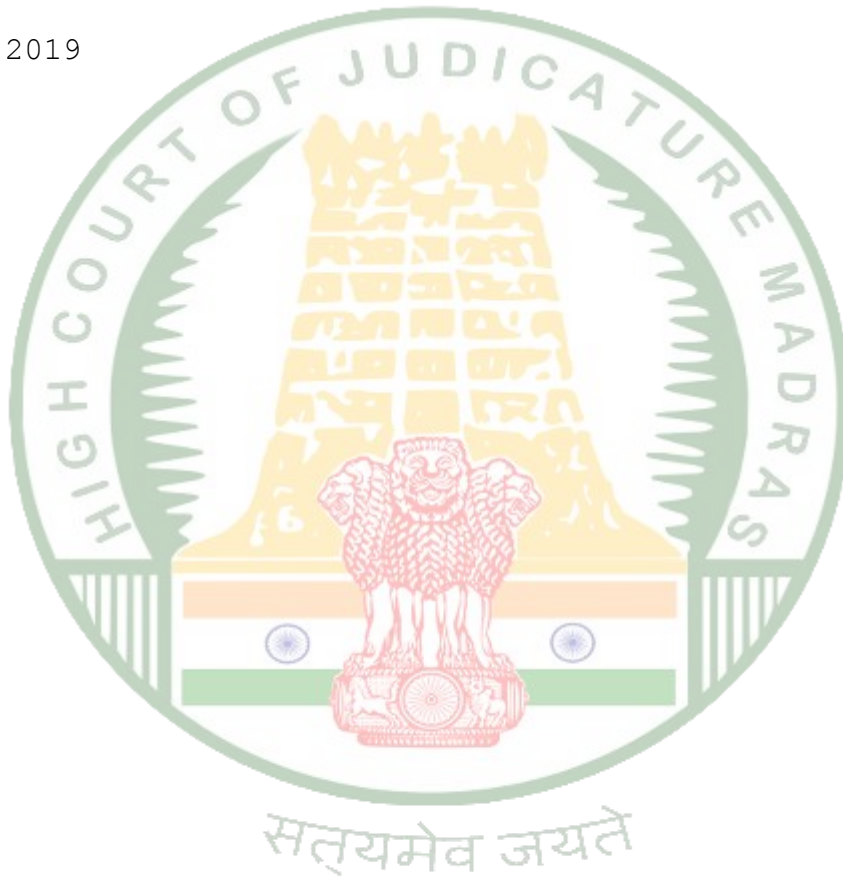
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3. The Recovery Officer,
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AnnaSalai, Chennai

+1 cc to Mr.K.Veeramani, Advocate SR.No.4135

W.P.No.25021 of 2005

VBA (CO)
CSL/12.02.2019



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