

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.08.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.8584 of 2019

Nainar K.Makdoom

.. Petitioner

Vs

The Authorized Officer
State Bank of India
Tirunelveli Branch
No.25 and 25A
S.N.High Road
Tirunelveli.

.. Respondent

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for records pertaining to order dated 7.1.2019 passed in M.A.(SA) No.54/2018 on the file of DRAT, Chennai and quash the same pertaining to the direction to the respondent bank to lift the pre-deposit and deal with as per law and consequently direct the bank/Registry of Debt Recovery Appellate Tribunal to refund the amount.

For Petitioner : Mr.G.Senthil Kumar

For Respondent : Dr.T.Ramasamy

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition challenging the order passed by the Debt Recovery Appellate Tribunal dated 7.1.2019 in M.A(SA) No.54 of 2018, pertaining to the direction to the respondent bank to lift the pre-deposit and to deal with it as per law and to consequently direct the bank/Registry of the Debt Recovery Appellate Tribunal to refund the amount.

2. By order dated 7.1.2019 in M.A.(SA) No.54 of 2018, the Debt Recovery Appellate Tribunal directed the respondent bank to lift the pre-deposit and to deal with it as per law. Now, for getting refund

of pre-deposit amount, the petitioner has approached this Court by way of writ petition.

3. The learned counsel appearing for the petitioner submitted that during the pendency of the writ petition, the petitioner has also filed an application in I.A.No.651 of 2019 before the Debt Recovery Appellate Tribunal for getting refund of the pre-deposit. The learned counsel further submitted that the said application is posted for hearing on 9.8.2019.

4. Since the petitioner has approached the Debt Recovery Appellate Tribunal for getting refund of the amount, which relief is also sought in the present writ petition by the petitioner, we are of view that the petitioner can work out his remedy for getting refund of the pre-deposit in the application in I.A.No.651 of 2019.

5. In such view of the matter, we are not inclined to keep the writ petition pending. Accordingly, the writ petition is closed. However, the Debt Recovery Appellate Tribunal shall decide the application in I.A.No.651 of 2019, on merits and in accordance with law, as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

1.The Registrar
Debt Recovery Appellate Tribunal
Chennai.

2.The Authorized Officer
State Bank of India
Tirunelveli Branch
No.25 and 25A
S.N.High Road
Tirunelveli.

+1cc to Mr.G.Senthil Kumar , Advocate SR.No. 67179
+1cc to Dr.T.Ramasamy , Advocate SR.No. 66891

A.SK(28/08/2019)

W.P.No.8584 of 2019