

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.24750 of 2011
and
M.P.No.1 of 2011

1.R.Sivakozhundu
2.P.Parimala
3.P.Elavarasu
4.E.Sridhar
5.G.Ravendranathan
6.F.Amala Jothi
7.P.Kalaivani
8.R.Sundaram Naidu
9.K.Sarojini
10.M.Lakshmi Devi
11.V.Rajendran

... Petitioners

-vs-

1. The Recovery Officer
Debts Recovery Tribunal
4th Floor Spencer Tower,
770-A, Anna Salai,
Chennai-600002.

2. Indian Bank
Represented by its Authorised Officer
& Chief Manager
Indian Bank, ARMB-II,
Chennai- 600 003.

3. Mrs.N.K.Fathima

4. Reliance Asset Reconstruction Company Ltd,
Reliance Centre,
6th Floor, North Wing,
Near Prabhat Colony Road,
Santacruz East,
Mumbai-490055
Maharashtra.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the second respondent from initiating any recovery proceedings under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in so far it relates to Survey No.17/1 measuring 1.12 Acres and Survey No.17/2B measuring 0.79 Acres in Puthur Village, Tambaram Taluk, Chennai in which the petitioners' lands are located.

For Petitioner : Mr.T.N.Rajagopal
for Mr.A.Devnarendran

For Respondents : R1:Tribunal
Mr.Jayesh B.Dolia
for Aiyar & Dolia (R2)
R3: Not ready in notice
R4: No appearance

O R D E R

(Order of the Court was made by The Hon'ble Acting Chief Justice)

This Writ Petition has been filed seeking for a Writ of Mandamus forbearing the second respondent from initiating any recovery proceedings under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in so far it relates to Survey No.17/1 measuring 1.12 Acres and Survey No.17/2B measuring 0.79 Acres in Pathur Village, Tambaram Taluk, Chennai in which the petitioners claimed their title and possession.

2. Heard the learned counsel appearing on either side. Perused the materials available on record.

3. The Respondent/Bank initiated proceedings by issuing notice under Section 13 (4) of the SARFAESI Act on 30.07.2011. As per the amendment to provisions of Section 17 of the Act, admittedly the persons aggrieved against notice under Section 13(4) of the SARFAESI Act is entitled to approach the Debts Recovery Tribunal for raising their objections. Since, the present petition is filed prior to amendment in law, in view of the aforesaid subsequent

development by way of amendment law we dispose of this Writ Petition with liberty to the petitioners to file application under Section 17 of the Act before the Debts Recovery Tribunal, within a period of four weeks from today. If such application is filed by the petitioners, the Debts Recovery Tribunal shall not raise any objections with regard to limitation for filing of such application and shall proceed in accordance with law. Thus both the parties shall appear before the Tribunal in the first instance on 11.11.2019. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

arr
To:

1. The Recovery Officer
Debts Recovery Tribunal
4th Floor Spencer Tower,
770-A, Anna Salai,
Chennai-600002.
2. Indian Bank
Represented by its Authorised Officer
& Chief Manager
Indian Bank, ARMB-II,
Chennai- 600 003.

+1cc to Mr.A.Devnarendaran , Advocate SR.No. 82923
W.P.No.24750 of 2011
A.SK(22/10/2019)

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