

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM:

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.14927 of 2019
and WMP No.14897 of 2019

M/s.Shazzy's
Rep. by its Sole Proprietor
Mr.Shazad N.Mogrelia. ... Petitioner

Vs.

1.The Authorized Officer cum
Chief Manager
Bank of India, Chennai Main Branch
No.30, 'Star House' Erra Balu Street
Chennai - 600 002.

2.Mr.J.Jayaprakash

3.The Presiding Officer
Debt Recovery Tribunal -II
Chennai, 4th Floor, Dewa Towers,
770-A, Anna Salai, Chennai -2. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari and Mandamus, calling for the records pertaining to the order dated 02.05.2019 passed by the 3rd respondent in S.A.No.101 of 2019 and quash the same and to forbear the 1st and 2nd respondents from proceeding further on the basis of sale confirmation dated 27.12.2018 and the sale certificate dated 10.02.2019 pending disposal of S.A.No.372 of 2018 and S.A.No.101 of 2019 on the file of the Debt Recovery Tribunal - II, Chennai.

For Petitioner : Mr.N.Berlin Prabhu for
Mr.T.K.S.Gandhi

For Respondents: Ms.R.Umasuthan for R1

ORDER

[Order of the Court was made by Dr.VINEET KOTHARI, J]

The petitioner/borrower has filed this writ petition aggrieved by the order passed by the Debt Recovery Tribunal - II, Chennai, dated 02.05.2019 in S.A.No.101 of 2019, vacating the stay order granted in favour them.

2. The following two orders dated 15.03.2019 and 02.05.2019 passed by the learned Debt Recovery Tribunal - II in S.A.No.101 of 2019, filed by the petitioner/ borrower, are quoted for ready reference:

'(i) 15.03.2019

Applicant and counsel for R1 present. Passed over and called again. Sri T.N.Thamizharasan, Advocate filed Vakalat for R2. Counter along with documents filed by R1. Counsel for applicant submitted that while interim order is in force, the respondent bank sold the property. Call on 03.04.2019 and status quo is ordered till then.

(ii) 02.05.2019

Both sides present. Passed over and called again. On perusal of previous proceeding dated 15.03.2019 in S.A., there is no interim order passed. Hence, interim order is vacated. Enquiry by 26.06.2019'

3. The learned counsel for the respondent bank submitted that after vacating the interim order, the said S.A.No.101 of 2019 is posted for hearing on 06.12.2019.

4. The learned counsel for the petitioner/borrower does not dispute the same.

5. In view of the aforesaid, we are of the opinion that no interference is called for in the impugned order passed by the Debt Recovery Tribunal - II, Chennai on 02.05.2019, vacating the earlier order passed in favour of the petitioner/borrower on 15.03.2019. The parties may appear before the learned Debt Recovery Tribunal - II, Chennai on the date given for final hearing viz., on 06.12.2019 and the learned Debt Recovery Tribunal - II, Chennai is requested to pass final order in the said S.A.No.101 of 2019 as expeditiously as possible.

6. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Presiding Officer
Debt Recovery Tribunal -II
Chennai, 4th Floor, Dewa Towers,
770-A, Anna Salai, Chennai -2.

2.The Authorized Officer cum
Chief Manager
Bank of India, Chennai Main Branch
No.30, 'Star House' Erra Balu Street
Chennai - 600 002.

+1 cc to M/s.T.K.S.Gandhi,Advocate Sr.No. 96913

AKM/20.01.2020/3P-4C /

W.P.No.14927 of 2019

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