

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.07.2019

CORAM

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

W.P.No.22879 of 2014

M.Rajendran

.. Petitioner

Vs

- 1 The Registrar
Debt Recovery Appellate Tribunal
4th Floor, Indian Bank Buildings
Ethiraj Salai, Egmore
Chennai - 600 009.
 - 2 The Registrar
Debts Recovery Tribunal, Madurai
No.1670, Trichy Road
Ramanathapuram
Coimbatore - 641 045.
 - 3 Indian Overseas Bank
Ramalinga Nagar Branch
Rep by its Asst. General Manager
No.190, N.S.R.Road
Saibaba Colony
Coimbatore - 641 011.
 - 4 The Authorised Officer
Indian Overseas Bank
Ramalinga Nagar branch
No.190, N.S.R.Road
Saibaba Colony
Coimbatore - 641 011.
 - 5 Asset Reconstruction Company (India) Ltd.
'The Ruby' 10th Floor
No.29, Senapathi Bapat Marg
Dadar (West)
Mumbai - 400 028.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for records ending with the letter of 3rd respondent dated 28.7.2014 and to quash the same.

For Petitioner : Mr.N.Ishtiaq Ahmed

For Respondents : Mr.F.B.Benjamin George
for respondents 3 and 4

Mr.Dev Eshwar
for M/s.Shivakumar and
Suresh
for 5th respondent
RR1 and R2 -Tribunal

ORDER

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

The above writ petition has been filed by the petitioner to issue a writ of certiorari to call for records relating to the letter of third respondent dated 28.7.2014 and to quash the same. By the said letter dated 28.7.2014, the third respondent/bank informed the petitioner that the debt has been assigned in favour of the fifth respondent/Asset Reconstruction Company (India) Limited.

2. The learned counsel appearing for the petitioner submitted that the petitioner has already filed a SARFAESI Application in S.A.No.98 of 2013 on the file of the Debts Recovery Tribunal, Coimbatore, and the same is pending. However, the learned counsel submitted that liberty may be given to the petitioner to raise the issue involved in the present writ petition in the said SARFAESI Application, for which the learned counsel appearing for the respondent/Bank has no objection.

3. In view of the submissions made by the learned counsel on either side, we clarify that the petitioner is at liberty to raise the issue involved in the present writ petition in S.A.No.98 of 2013 and the Debts Recovery Tribunal, Coimbatore, shall decide the same on merits and in accordance with law.

With these observations, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi
To:

1 The Registrar
Debt Recovery Appellate Tribunal
4th Floor, Indian Bank Buildings
Ethiraj Salai, Egmore
Chennai - 600 009.

2 The Registrar
Debts Recovery Tribunal, Madurai
No.1670, Trichy Road
Ramanathapuram
Coimbatore - 641 045.

+1cc to Mr.N.Ishtiaq Ahemed , Advocate SR.No. 63222

+1cc to Mr.Shiva kumar , Advocate SR.No. 63237

+1cc to Mr.f.B.Benjamin George , Advocate SR.No. 63272

W.P.No.22879 of 2014

A.SK(14/08/2019)

सत्यमेव जयते

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