

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.24232 of 2014 and
M.P.Nos. 1 & 2 of 2014

M.Jothi Edison ...Petitioner

v.

- 1 The Indian Bank
No.31 Rajaji Salai
Chennai-600 001 (and also at)

No.31 Veriety Hall Road
Coimbatore-641 001
Rep. by its Asst. General Manager
Mr.M.Gopalakrishnan
- 2 M/s.Muruganathan Mills Ltd
No.7/2 Gopalapuram
Coimbatore-641 018
Rep. by Official Liquidator
High Court, Madras
- 3 Mr.G.Murugnathaswamy
- 4 Mr.G.Sethuramalingam
- 5 Mr.G.Balasubramaniam
- 6 Mrs.Dhanabagiam
- 7 The Official Liquidator
High Court
Chennai-600 104. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to quash the order dated 02.07.2014 passed by the Debts Recovery Appellate Tribunal at Chennai in M.A. No.81 of 2014 and forbear the first respondent bank from taking any coercive action to auction the property passed in I.A. No.2517 of 2007 in T.A. No.334/ 2002 dated 28.3.2008 by Debts Recovery Tribunal Coimbatore.

For Petitioners : Mr.M.Aravind Subramaniam

For Respondents : Mr.B.Jayesh B. Dolia
for M/s. Aiyer & Dolia - for R1
Mr.M.Dhamodharan - for R7
No appearance - for R2 & R3
Not Ready inNotice - R4 to R6

O R D E R

(Order of the Court made by The Hon'ble Chief Justice
and M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to quash the order dated 02.07.2014 passed by the Debts Recovery Appellate Tribunal, Chennai in M.A. No.81 of 2014 and forbear the respondent No.1/bank from taking any coercive action to auction the property passed in I.A. No.2517 of 2007 in T.A. No.334 of 2002, dated 28.3.2008 by the Debts Recovery Tribunal, Coimbatore.

2. On a perusal of the order passed by the Debts Recovery Appellate Tribunal, Chennai, it could be seen that in M.A.No.81 of 2014, by order dated 02.07.2014, the Appellate Tribunal clarified that there are no orders of stay with respect to the conduct of T.A. No.334 of 2002, pending on the file of the Debts Recovery Tribunal, Coimbatore and the Presiding Officer is at liberty to proceed with the TA and pass orders, in accordance with law. Recording so, the Appellate Tribunal adjourned the matter. Challenging this order, the petitioner has filed the above writ Petition.

3. The learned counsel appearing for the respondent No.1/Bank submitted that T.A. No.334 of 2002 is still pending before the Debts Recovery Tribunal, Coimbatore and therefore, the Debts Recovery Tribunal may be directed to proceed with the matter and decide the same, in accordance with law.

4. The learned counsel appearing for the petitioner submitted that the petitioner may be permitted to get himself impleaded in the TA pending before the Debts Recovery Tribunal and contest the matter.

5. In view of the submissions made by the learned counsel on either side, we are not inclined to interfere with the order passed by the Appellate Tribunal. However, we direct the Debts Recovery Tribunal, Coimbatore to proceed with the appeal in T.A. No.334 of 2002 and decide the same on merits and in accordance with law, as expeditiously as possible. We also give liberty

to the petitioner to file an application to get himself impleaded in T.A. No.334 of 2002, within a period of two weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj
To

1

The Indian Bank
No.31 Rajaji Salai
Chennai-600 001 (and also at)
No.31 Veriety Hall Road
Coimbatore-641 001
Rep. by its Asst. General Manager
Mr.M.Gopalakrishnan

2

The Official Liquidator
High Court
Chennai-600 104.

3.The Registrar, Debts Recovery Tribunal Coimbatore.

4. The Debts Recovery Appellate Tribunal at Chennai

+1cc to Mr. M.Aravind Subramaniam , Advocate SR.No. 11424

+1cc to M/s. Aiyer & Dolia , Advocate SR.No. 11437

W.P. No.24232 of 2014 and
M.P.Nos. 1 & 2 of 2014

A.SK(04/03/2019)

WEB COPY