

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD) Nos.1126, 1127, 2700 of 2017
and W.P.No.3457 and 4302 of 2019

C.R.P. (NPD) No.1126 of 2017

1.S.Rangarajan

2.S.Vasudevan

... Petitioners

VS

1.The Authorised Officer,
Punjab National Bank,
1st Floor, Khivraj Building,
No.624, Anna Salai,
Chennai – 600 006.

2.M.Saravanan

3.S.Brito

4.E.Sri Ramanatha Phaneendra

5.E.Srinivasa Phaneendra

6.L.Bharani Kumar

... Respondents

(Respondent No.6 impleaded as per order
dt. 27.11.2017 in C.M.P.No.18283 of 2017)

C.R.P. (NPD) No.1127 of 2017

1.Shanthi Rangarajan

2.G.Pankajavalli

3.Rukmani (died)

4.S.Rangarajan

5.S.Gopalan

6.Booma Saranathan

7.S.Vasudevan

(2)

8.S.Lakshmi ... Petitioners
(Petitioners 4 to 8 brought on record as LR
of deceased 3rd petitioner vide order dated
29.01.2019 in C.M.P.No.2199 of 2019)

vs

1.The Authorised Officer,
Punjab National Bank,
1st Floor, Khivraj Building,
No.624, Anna Salai,
Chennai – 600 006.

2.M.Saravanan
3.P.Subramanian
4.Bharani Kumar

... Respondents

C.R.P. (NPD) No.2700 of 2017

1.E.Sri Ramanatha Phaneendra
2.E.Srinivasa Phaneendra

... Petitioners

vs

1.The Authorised Officer,
Punjab National Bank,
1st Floor, Khivraj Building,
No.624, Anna Salai,
Chennai – 600 006.

2.Rangarajan
3.S.Vasudevan
4.M.Saravanan

5.S.Britto
6.The Registrar,
Debt Recovery Appellate Tribunal,
Ethiraj Salai, Egmore,
Chennai – 600 008.

... Respondents

W.P.No.3457 of 2019

P.Subramanian

... Petitioner

VS

1.The Chairperson,
Debts Recovery Appellate Tribunal Chennai,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai,
Chennai – 600 008.

2.The President Officer,
Debts Recovery Tribunal-1,
VI Floor, Dewa Towers,
660-A, Anna Salai,
Chennai – 600 002.

3.The Authorised Officer,
Punjab National Bank,
1st Khivraj Building,
No.624, Anna Salai,
Chennai – 600 006.

4.Shanti Rangarajan
5.G.Pankajavalli
6.S.Rangarajan
7.M.Saravanan
8.L.Bharani Kumar

... Respondents

W.P.No.4302 of 2019

L.Bharanikumar

... Petitioner

VS

1.The Chairperson,
Debts Recovery Appellate Tribunal Chennai,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai,
Chennai – 600 008.

2.The President Officer,
Debts Recovery Tribunal-1,

VI Floor, Dewa Towers,
660-A, Anna Salai,
Chennai – 600 002.

3.The Authorised Officer,
Punjab National Bank,
1st Khivraj Building,
No.624, Anna Salai,
Chennai – 600 006.

4.G.Pankajavalli
5.S.Vasudevan

... Respondents

Revision No.1126 of 2017 filed under Article 227 of the Constitution of India against the order dated 28.11.2016 in R.A.(SA) No.108 of 2014 on the file of the Debt Recovery Appellate Tribunal, Chennai.

Revision No.1127 of 2017 filed under Article 227 of the Constitution of India against the order dated 28.11.2016 in R.A.(SA) No.107 of 2014 on the file of the Debt Recovery Appellate Tribunal, Chennai.

Revision No.2700 of 2017 filed under Article 227 of the Constitution of India against the order dated 29.11.2016 in R.A.(SA) No.108 of 2014 in S.A.No.329 of 2007 on the file of the Debt Recovery Appellate Tribunal, Chennai.

W.P.No.3457 of 2019 filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the first respondent, the Debt Recovery Appellate Tribunal, Chennai in RA (SA) No.107 of 2014 and quash its order dated 29.11.2016.

W.P.No.4302 of 2019 filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the first respondent, the Debt Recovery Appellate Tribunal, Chennai in RA (SA) Nos.107 and 108 of 2014 and quash its order dated 29.11.2016.

(5)

For Petitioners in CRP.1126 : Mr.B.Thilak Narayanan
and 1127/2017; 4th
respondent in WP.4302/2019
and respondents 4 to 6 in
WP.3457/2019

For 1st respondent in : Mr.P.B.Sampath Kumar
CRP.1126/2017, 1127/2017
and 2700/2017; and for 3rd
respondent in WPs.4302 and
3457/2019

For respondents 4 to 6 in : Mr.S.Udayakumar
CRP.1126/2017 and 4th
respondent in CRP.1127/2017
and petitioner in CRP.
2700/2017 and petitioner in
WP.4302/2019

2nd respondent in
CRP.1126/2017 and
CRP.1127/2017 died

Not ready in notice for 3rd
respondent in
CRP.1126/2017

For 3rd respondent in : Mr.S.Haroon Al Rasheed
CRP.1127/2017 and petitioner for T.S.Gopalan and Co.
in WP.3457/2019

No appearance for
respondents 2, 3 and 5 in
CRP.2700/2017

4th respondent in
CRP.2700/2017 given up.

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ORDER

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

Heard the learned counsel for the petitioners and the learned counsel for the respondents, including the learned counsel for the respondent bank.

2. The borrowers and auction purchasers have entered into a compromise and they have tendered a Memorandum of Settlement dated 15.2.2019, which is taken on record.

3. The respondent bank has also filed a memo in which it is stated that the bank has been served with the Memorandum of Settlement entered into between the borrowers and the auction purchasers and the respondent bank has no objection for the compromise submitted before this Court.

4. In view of the above, these petitions are disposed of in terms of the Memorandum of Compromise entered between the borrowers and the auction purchasers. It is made clear that neither the borrowers nor the auction purchasers shall raise any claim against the respondent bank in respect of the private sale made by the them. The

Memorandum of Compromise shall form part and parcel of the present proceedings. No costs. Consequently, C.M.P.No.12873, 5405, 5406 of 2017 and W.M.P.Nos.3756, 4840 and 4844 of 2019 are closed.

(V.K.T., CJ.) (M.D., J.)
15.02.2019

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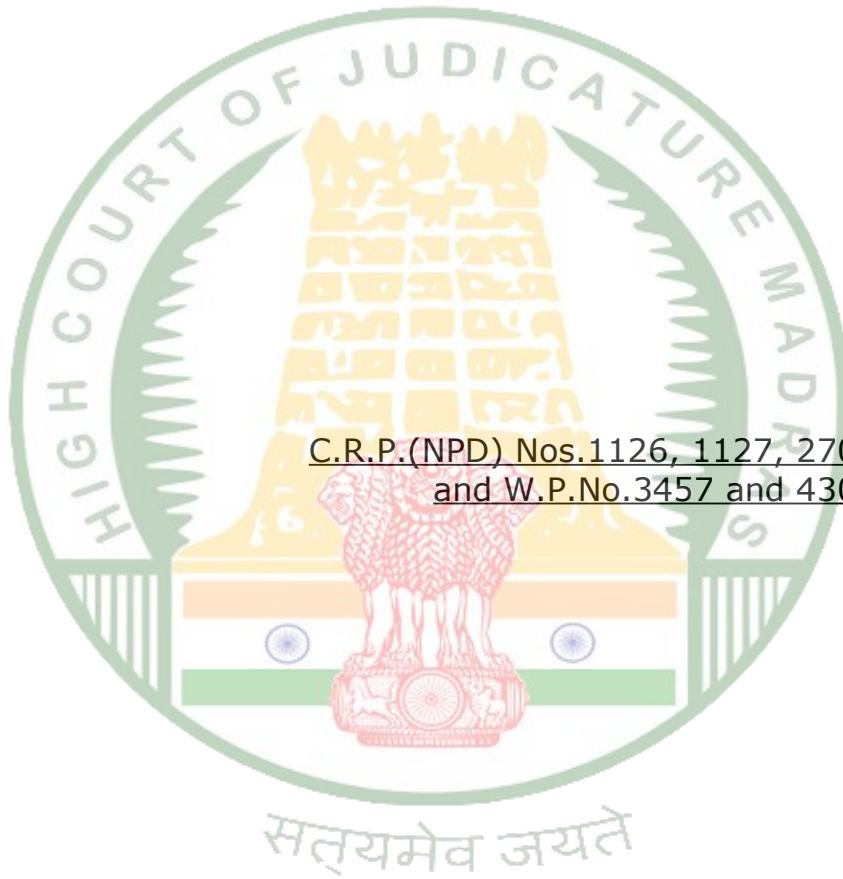
- 1.The Registrar,
Debt Recovery Appellate Tribunal,
Ethiraj Salai, Egmore,
Chennai – 600 008.
- 2.The Chairperson,
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4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai,
Chennai – 600 008.
- 3.The President Officer,
Debts Recovery Tribunal-1,
VI Floor, Dewa Towers,
660-A, Anna Salai,
Chennai – 600 002.

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(8)

THE HON'BLE CHIEF JUSTICE
AND
M.DURAI SWAMY,J.

(sasi)



C.R.P.(NPD) Nos.1126, 1127, 2700 of 2017
and W.P.No.3457 and 4302 of 2019

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15.2.2019