

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2019

CORAM :

The Hon'ble Mr.JUSTICE Dr.VINEET KOTHARI

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

W.P.No.32199 of 2019
and WMP No.32477 of 2019

V. Ilango

.... Petitioner

-vs-

1.The Presiding Officer,
Hon'ble DRT II Chennai
Dewa Towers
770A Anna Salai,
IV Floor,
Chennai - 600 002

2. The Authorised Officer,
LIC Housing Finance Limited
"Harrington Chambers"
Block "A" (1st Floor) & Block C
No.30/1A, Abdul Razack,
1st Street,
Saidapet,
Chennai-600 015

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to decide the SA No.74 of 2019 on its file within a time frame.

For Petitioner : Mr.P. Uday Baskar

ORDER

(Order of the Court was made by Dr.VINEET KOTHARI,J.,)

The petitioner has approached this Court by way of this Writ Petition seeking to issue a Writ of Mandamus directing the first respondent to decide the SA No.74 of 2019 on its file within a time frame.

2. The grievance of the petitioner borrower in the present petition is that in the absence of any Presiding Officer in Debts Recovery Tribunal-II, Chennai, as earlier incumbent in the Debts Recovery Tribunal -II is retired in May 2019, the incumbent posted there has not taken up the cases though the charge of Debts Recovery Tribunal-II has been given to Debts Recovery Tribunal-I as stated in paragraph-6 of the affidavit filed in support of the writ petition. The learned counsel for the petitioner further submits that in these circumstances, this Court may exercise extraordinary jurisdiction and grant relief to the petitioner as against the coercive steps taken by the respondent Bank in pursuance of the Notice issued under Section 13(2) Demand Notice on 13.07.2018 as well as the Possession Notice dated 24.12.2018 issued under Section 13(4) of the SARFAESI Act as against the petitioner.

3. Heard the learned counsel for the petitioner.

4. We are constrained to observe that the Presiding Officer of the Debts Recovery Tribunal-I, who is holding additional charge of Debts Recovery Tribunal-II, Chennai, in the absence of regular incumbent, should take up at least the cases of urgent nature like in the present case, as submitted by the petitioner.

5. We have not expressed any opinion about the desirability to grant interim relief in the present case as we are not touching the merits of the contentions raised by the learned counsel for the petitioner. However, we feel that the Debts Recovery Tribunal, to which, the charge of relevant jurisdiction is vested with, should be in a position to take up the urgent cases.

6. In these circumstances, the writ petition is disposed of with a direction to the concerned Presiding Officer of the Debts Recovery Tribunal Bench, with whom, the appropriate jurisdiction of the petitioner's case lies, to take up the application filed under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and pass appropriate orders on merits and in accordance with law. We, accordingly, direct the petitioner to appear before the Debts Recovery Tribunal-I, Chennai, in the first instance on 20.11.2019.

7. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

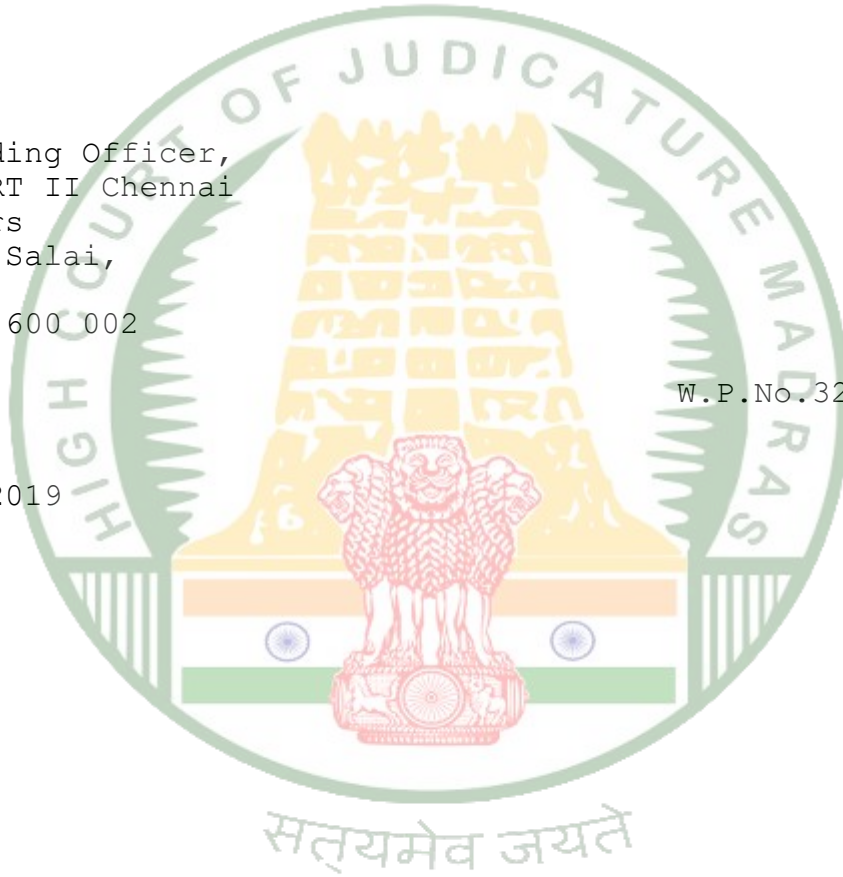
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To

The Presiding Officer,
Hon'ble DRT II Chennai
Dewa Towers
770A Anna Salai,
IV Floor,
Chennai - 600 002

W.P.No.32199 of 2019

rsk(co)
nr 17/12/2019



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