



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2019

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THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**
AND
THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

Writ Petition(MD)No.17818 of 2019
and
W.M.P(MD)Nos.14282 and 14284 of 2019

V.Chitra .. petitioner

Vs.

1.Allahabad Bank,
rep. by its
Authorised Officer,
RBB, Anna Nagar Branch,
Madurai - 625 020.

2.The District Collector and District Magistrate
(FAC), Madurai,
District Collector Office,
Madurai - 625 020.

3.The Tahsildar,
District Collector Office,
Madurai - 625 020.

4.The Commissioner of Police,
Madurai City,
Office of the Commissioner,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari by calling for the records pertaining to the impugned order passed by the second respondent in ROC No.C6/32781/2018 dated 27.06.2019 and quash the same.

For Petitioner : Mr.K.Alaguram Jothi

For Respondents : Mr.N.Shanmugaselvam
Addl. Govt. Pleader (for R2 to R4)
Mr.Pala Ramasamy (for R1)



O R D E R

[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY, J.**]

This writ petition is filed challenging the order passed by the second respondent, dated 27.06.2019, under Section 14 of the SARFEASI Act.

2.Mr.Pala Ramasamy, learned Standing Counsel takes notice for the first respondent bank and Mr.N.Shanmugaselvam, learned Additional Government Pleader takes notice for the respondents 2 to 4.

3.The learned counsel for the petitioner submitted that the Presiding Officer of the Debt Recovery Tribunal, Madurai was not sitting for ten days and therefore, the petitioner was not in a position to approach the Debt Recovery Tribunal to challenge the impugned order and was instructed to approach this Court.

4.Therefore, when the matter was listed before this Court on 14.08.2019, we directed the respondents to maintain status quo as on 14.08.2019. Thereafter, the matter is listed before us today.

5.The learned counsel for the petitioner submitted that the Presiding Officer of the Debt Recovery Tribunal has taken charge today, but is presently in-charge of the Debt Recovery Tribunal, Coimbatore. Therefore, he requested for an extension of the interim protection already granted for a further period of 15 days.

6.In view of the fact that the petitioner has an alternative remedy before the Debt Recovery Tribunal and keeping in mind the fact that the Debt Recovery Tribunal was not functional until recently, we are inclined to dispose of this writ petition, without expressing an opinion on the merits of the case, with the following directions:-

"(a) the petitioner is granted liberty to approach the Debt Recovery Tribunal concerned within a period of two weeks from the date of receipt of a copy of this order by filing an appropriate appeal.

(b) the order of status quo granted by this Court on 14.08.2019 shall remain in operation for a further period of 30 days from the date of receipt of a copy of this order.

(c) the Debt Recovery Tribunal concerned shall decide the matter on merits and in accordance with law uninfluenced by the observations made herein or by the order of interim status quo granted.



With the above directions, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

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/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector and District Magistrate
(FAC), Madurai,
District Collector Office,
Madurai - 625 020.

2.The Tahsildar,
District Collector Office,
Madurai - 625 020.

3.The Commissioner of Police,
Madurai City,
Office of the Commissioner,
Madurai.

4.The Debt. Recovery Tribunal,
Madurai.

+1 CC to M/s.J.ALAGURAM JOTHI, Advocate (SR-82282[F] dated
19/08/2019)

+1 CC to M/s.PALA RAMASAMY, Advocate (SR-82487[F] dated
20/08/2019)

+1 CC to M/s.SPL GP (SR-82589[F] dated 20/08/2019)

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and
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JM/27.08.2019/3P/8C