



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

The Hon`ble Mr.Justice T.S.SIVAGNANAM

AND

The Hon`ble Mrs.Justice R.THARANI

WP (MD) No. 23072 OF 2019

AND

W.M.P. (MD) No.19806 OF 2019

R.Ramaraju

...Petitioner

VS

1. The Assistant Registrar

Debts Recovery Tribunal,

3rd and 4th Floors,

Kalyani Towers,

No.4/162 Madurai-Melur Road,

Uthangudi (Near Meenakshi Mission Hospital),

Madurai - 625 107.

2. The Lakshmi Vilas Bank

Represented by its Branch Manager, Turaiyur Branch,

No.268 Trichy Road, Turaiyur, Trichy District.

3. R.Karthick

4. R.Susila Devi

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to Call for the records pertaining to the impugned notice issued in I.A.No.1976 of 2019 in OA.No.214 of 2017 dated 09.10.2019 by the first Respondent and quash the same.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner: Mr.R.Murugappan

ORDER

WEB COPY

(Order of this Court was made by T.S.SIVAGNANAM.J)

Heard Mr.R.Murugappan, learned counsel appearing for the petitioner.

2.This writ petition has been filed challenging the notice issued by the Debts Recovery Tribunal.

3. At the very outset, we have pointed out that this Writ petition is not maintainable. However,we have taken note of the submission of Mr.R.Murugappan, learned counsel appearing for the petitioner that the order has been passed in I.A.No.1976 of 2019 by the Tribunal, without notice to the petitioner and a direction has been issued to furnish the security to the tune of Rs.40 lakhs, in respect of the scheduled mentioned property as mentioned in the application on or before 04.11.2019, failing which, the property will stand attached. The case has been directed to be called on 05.11.2019.

4. According to the petitioner, the property is not liable for attachment and the order has been passed by the Tribunal without notice to the petitioner.

5. In our considered view, the points raised in this writ petition can very well be canvassed before the Debts Recovery Tribunal. The case has been listed for hearing on 05.11.2019.



Therefore, we dispose of the writ Petition by giving liberty to the petitioner to raise all points, which were canvassed in this writ petition before the Tribunal on 05.11.2019 and the Tribunal after hearing the Writ Petitioner who is the respondent before the Tribunal and pass a speaking order on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

SD

ASSISTANT REGISTRAR (WRITS)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS-II)

TO:

1. The Assistant Registrar

Debts Recovery Tribunal,

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2. The Lakshmi Vilas Bank

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1CC TO MR.R. MURUGAPPAN, ADVOCATE SR 95678

KK/04.11.2019/3P-4C

W.P. (MD) No.23072 OF 2019

AND

W.M.P. (MD) No.19806 OF 2019

01.11.2019