



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

**W.P. (MD) .No.25198 of 2019
and
WMP (MD) Nos.21780 & 21781 of 2019**

R.Ramaraju

... Petitioner

Vs.

1.The Assistant Registrar
Debts Recovery Tribunal,
3rd & 4th Floors,
No.4/162, Madurai - Melur Road,
Uthangudi (Near Meenakshi Mission Hospital),
Madurai - 625 107

2.The Lakshmi Vilas Bank
Rep.by its
Branch Manager,
Turaiyur Branch,
No.262, Trichy Road,
Turaiyur,
Trichy District.

3.R.Karthick
Proprietor,
M/s.Sri Ram Marketing
No.115, Kamaraj Nagar,
Behind Rasi Petrol Bunk,
Trichy District.

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 order dated 05.11.2019 passed in I.A.No.1976 of 2019 in O.A.No.214 of 2017 by the 1st respondent and quash the same.

For Petitioner

: Mr.R.Murugappan



O R D E R

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

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

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2. This Writ Petition has been filed, to quash the impugned order, dated 05.11.2019, passed in I.A.No.1976 of 2019 in O.A.No.214 of 2017 by the 1st respondent.

3. The petitioner had approached this Court earlier by filing a writ petition challenging an order of attachment passed by the Debts Recovery Tribunal. It was contended in the said Writ Petition [W.P(MD)No.23072 of 2019] that the property is not liable for attachment and the order has been passed by the Tribunal without notice to the petitioner. The Writ Petition was disposed of at the admission stage by giving liberty to the petitioner to raise all contentions before the Tribunal and the Tribunal to pass a speaking order.

4. The learned counsel appearing for the petitioner submitted that a copy of the order was filed before the Tribunal, however, the Tribunal did not pass any speaking order.

5. We find from the order passed by the Tribunal that the Tribunal had ordered an attachment of the property because, the petitioner did not furnish security, as directed by the Tribunal, and accordingly, the interlocutory application filed by the Bank was allowed and attachment order was passed. The petitioner has an effective alternative remedy by way of an appeal to the Debts Recovery Tribunal. In our considered view, the petitioner should exhaust such a remedy. Furthermore, the main application is still pending before the Tribunal and the parties have been granted time to file a written statement and the matter is directed to be listed on 08.04.2020.

6. In the light of the above, we dispose of this writ petition, giving liberty to the petitioner to file an appeal before the Debts Recovery Tribunal, against the order passed in O.A.No.214 of 2017. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)



To

The Assistant Registrar
Debts Recovery Tribunal,
3rd & 4th Floors,
No.4/162, Madurai - Melur Road,
Uthangudi (Near Meenakshi Mission Hospital),
Madurai - 625 107.

+1 CC to M/s.R. MURUGAPPAN, Advocate (SR-102013[F] 28/11/2019)

**W.P. (MD) .No.25198 of 2019
27.11.2019**

MPK

SDS (18.12.2019) 3P 3C