

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 10124 of 2020
& W.M.P.No.12309 of 2020

R.Senthilkumar

.. Petitioner

vs

1 M/s. Lakshmi Vilas Bank Ltd.
523,Avinashi Road, Tirupur 641 602.

2 The Chief Judicial Magistrate
Tirupur.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent not to initiate any measures either by itself or through its agents pursuant to the orders obtained in Crl.M.P.No.160/2020 in deference to the orders passed by this Court in Suo Moto W.P.No.7413 of 2020.

For Petitioner ... Ms.K.Jayaganga

For Respondents .. Mr.A.Arunbabu for R1
R2 - Court

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Seeking a direction to the first respondent not to initiate any measures either by itself or through its agents pursuant to the orders obtained in Crl.M.P.No.160/2020 in deference to the orders passed by this Court in Suo Moto W.P.No.7413 of 2020, the present writ petition has been filed.

2.When the matter is taken up for hearing, learned counsel appearing for the first respondent Bank raised an issue of maintainability. It is submitted that the application has to be made before the Debts Recovery Tribunal.

3.We find some force in the submission made by the learned counsel appearing for the first respondent Bank. Such a view has also been taken by the Apex Court as well as the Division Bench of this Court.

4.In such view of the matter, the writ petition stands closed. The petitioner is given two weeks' time from the date of receipt of a copy of this order for filing appropriate application before the jurisdictional Debts Recovery Tribunal. Till such time, status quo as on today shall be maintained. As and when the application is filed and thereafter numbered, it has to be disposed of within a period of three months from the date of numbering the said application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate
Tirupur.

+1cc to Mr.A.Arun Babu, Advocate SR.2703

W.P.No.10124 of 2020

NRL (CO)
RV (07/09/2020)

सत्यमेव जयते

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