

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

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

W.P.No. 11067 of 2020
&W.M.P.No. 13474 of 2020

1.Nagarajan
2.Srividya ... Petitioners

vs

1.The Chief Judicial Magistrate,
Tirupur, Tirupur District.
2.M/s. LVB Bank Ltd.,
Tirupur Branch,
Represented by its Chief Manager,
Avinashi Road Branch,
Tiruppur - 6410 601. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari after calling for the entire records from the first respondent and to quash the impugned order dated 09.06.2020 in Cr.M.P.No.221 of 2020 on the file of the Chief Judicial Magistrate, Tiruppur.

For Petitioners .. Mr.B.Lakshmi Narayanan

For Respondents .. R1 - Court

ORDER

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

The petitioner has come forward to file this writ petition challenging the order passed by the first respondent in Cr.M.P.No.221 of 2020 in exercising the powers conferred under Section 14 (1) and (2) of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2.Heard the learned counsel appearing on behalf of the petitioner.

3.Despite service of notice, there is no representation on behalf of the second respondent/Bank.

4.The petitioner has got alternative remedy before the jurisdictional Debts Recovery Tribunal. However, considering the submission made by the learned counsel appearing for the petitioner that there is a difficulty in getting appropriate order at the earliest, we are inclined to dispose of this writ petition giving a period of two weeks to file an application from the date of receipt of a copy of this order to undertake the said exercise. Till such time, status quo as on today shall be maintained. If the application is filed within the said time, the Debts Recovery Tribunal, Coimbatore is directed to consider the same and pass orders without rejecting it on the ground of limitation.

5. The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed .

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Chief Judicial Magistrate,
Tirupur, Tirupur District.

2.The Presiding Officer,
Debts Recovery Tribunal,
Coimbatore.

+1cc to M/S.B.Lakshmi Narayanan , Advocate SR.No. 29300

W.P.No. 11067 of 2020

GS CO

A.SK(06/11/2020)