



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.01.2020

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THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

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C.R.P(MD)No.33 of 2020

and

C.M.P(MD)No.210 of 2020

1.The Authorized Officer,
The Lakshmi Vilas Bank,
Thillai Nagar Branch,
C-97, Fort Station Road, 5th Cross (West),
Thillai Nagar, Tiruchirappalli-620 018.

2.The Branch Manager,
Lakshmi Vilas Bank,
Thillai Nagar Branch,
C-97, Fort Station Road, 5th Cross (West),
Thillai Nagar, Tiruchirappalli-620 018.

... Petitioners/
Defendants 3&4

Vs.

1.A.B.Buvaneshwari,
Proprietor,
M/s Aruna Steel Racks,
No.83, Madurai Road,
Bharathidhasan Salai,
Tiruchirappalli-620008.

2.Mukesh Kumar,
Proprietor,
M/s Mahalakshmi Electricals Agency,
No.83, Madurai Road,
Bharathidhasan Salai,
Tiruchirappalli-620008.

3.P.Jalaram,
Proprietor,
M/s Jai Ambay Hardwares,
No.83/2, Madurai Road,
Bharathidhasan Salai,
Tiruchirappalli-620008.

...Respondents 1 to 3/Appellants

4.The District Collector,
Tiruchirappalli,
Tiruchirappalli District.



5.The Tahsildar,
Tiruchirapalli East,
Tiruchirapalli.

6.A.S.Jagadiish

7.Sudhagar Selvaraj

... Respondents 4to7/Defendant 1,2,5&6

Prayer : Petition filed under Article 227 of the Constitution of India, praying to strike off the SARFAESI Application in S.A.No.532 of 2019, on the file of the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.S.I.Muthiah

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
for R.4 and R.5

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ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioners Bank filed the above Civil Revision Petition to strike off the SARFAESI Application in S.A.No.532 of 2019, on the file of the Debts Recovery Tribunal, Madurai, which was filed by the respondents 1 to 3 challenging the order passed by the fourth respondent - District Collector, Trichirappalli under Section 147 of the SARFAESI Act.

2. The respondents 1 to 3 challenged the order passed by the fourth respondent claiming to be the tenants in respect of the secured assets. When the respondents 1 to 3 are claiming to be the tenants, they are entitled to file SARFAESI appeal under Section 17(4A) of the SARFEASI Act. The Debts Recovery Tribunal has to decide the issues with regard to the tenancy of the respondents 1 to 3 only in the SARFAESI appeal. Therefore, we are of the considered view that the SARFAESI application filed by the respondents 1 to 3 / tenants is very much maintainable.

3. The learned Counsel appearing for the petitioners Bank submitted that the Debts Recovery Tribunal may be directed to dispose of the SARFAESI application within a time frame.

4. In view of the submission made by the learned Counsel appearing for the petitioners Bank, while dismissing the Civil Revision Petition, we direct the Debts Recovery Tribunal, Madurai to dispose of the SARFAESI application in S.A.No.532 of 2019 on merits and in accordance with law within a period of four months



from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

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Sd/-

Assistant Registrar ()

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tiruchirappalli,
Tiruchirapalli District.

2.The Tahsildar,
Tiruchirapalli East,
Tiruchirapalli.

+5 CC to Mr.S.I.MUTHIAH, Advocate (SR-1102[F] dated 09/01/2020)

+1 CC to SPL.GP (SR-1366[F] dated 10/01/2020)

C.R.P(MD)No.33 of 2020

and

C.M.P(MD)No.210 of 2020

09.01.2020

KM/ (28.01.2020) 3P 9C