



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.12184 of 2020

M/s.Kathirvel Account Book Shop

Rep. through its Partner N.Murugan
No.39, East Avani Moola Street,
Madurai-625 001.

... Petitioner

Vs.

1.Canara bank

Rep. through its Regional Manager,
No.11, J.C.Road, Bangalore-560 002.

2.The Divisional Manager,

Canara Bank, St.Mary's Campus, East Veli Street,
Madurai-625 001.

3.The Branch Manager,

Canara Bank, SME Branch, VMR Complex,
Bye-pass Road, Vasantha Nagar,
Madurai-625 003.

4.Debts Recovery Tribunal,

Jawan's Bhawan, 2nd & 3rd Floor,
27, Travellers Bungalow Road,
Coimbatore-641 018.

(R4 is suo motu impleaded vide
order dated 21.09.2020)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to hand over the documents as mentioned about to the petitioner, which had been obtained under two loan accounts by the third respondent and further to direct the respondents to pay Rs.25 Lakhs to the petitioner as a compensation to meet out the monetary loss incurred to the petitioner within the time frame to be fixed by this Court.

For Petitioner : Mr.N.Murugesan
For Respondents 1 to 3 : Mr.Palaramasamy

O R D E R

Heard the learned counsel on either side.



2. With the consent of learned counsel on either side, the main writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner had availed financial assistance from the respondent bank. The petitioner had committed default. The respondent, therefore, filed O.A.No.212 of 2003 before the Debts Recovery Tribunal, Coimbatore. During the pendency of the proceeding, the parties had settled the outstanding issues under OTS. The petitioner had also paid the entire amount and the respondents have no claim whatsoever.

4. All that the petitioner wants is the return of the original documents. The problem that had cropped out in this case is due to the jurisdictional bifurcation of the Tribunal. Earlier, Debts Recovery Tribunal, Madurai, was not there. It was constituted only subsequently. Now, the parties were not aware as to whether the documents have been transmitted to Debts Recovery Tribunal, Madurai, or whether they are still retained in the custody of Debts Recovery Tribunal, Coimbatore. With great difficulty, the documents have been traced and they are now said to be in the custody of the Debts Recovery Tribunal, Coimbatore.

5. I, therefore, direct Debts Recovery Tribunal, Coimbatore to forthwith transmit the petition mentioned documents to Debts Recovery Tribunal, Madurai. The Bank had already filed a petition for return of the documents before DRT, Madurai. After the documents are received by DRT Madurai, the same will be returned to the respondent Bank and the respondent Bank in turn will hand over the documents in question to the petitioner herein. The entire exercise shall be concluded within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Registrar,
Debts Recovery Tribunal,
2nd & 3rd Floor,
27, Travellers Bungalow Road,
Coimbatore - 641 018.

2.The Registrar,
Debts Recovery Tribunal,
Madurai.

+1 CC to M/s.N. MURUGESAN, Advocate (SR-17657[F] dated
22/09/2020)

W.P. (MD) No.12184 of 2020
21.09.2020

rmi

SDS (23.09.2020) 3P-4C