

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.03.2021
CORAM :
THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5425 of 2021

1 V.Vijaya
2 M.Vajravelu
3 V.Manivannan ... petitioners

vs

1 The Presiding Officer
DRT- II Chennai
Spencer Tower, 770- A
4th Floor, Anna Salai
Chennai-2
2 The Authorized officer
M/s REPCO Bank
Thiruvannmalai Branch
No.115/5, Ground Floor
Chinnakadai Street
Tiruvannamalai 606 601 ... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the DRT - II Chennai to dispose S.A.No. 309 of 2019 within a time frame.

For Petitioner: Mr.P.Chandrasekar

ORDER
(made by the Hon'ble Chief Justice)

The petitioners claim that the second respondent REPCO Bank has resorted to measures under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, despite such entity having been judicially held not to be a "bank" or a "secured creditor" within the meaning of the relevant word and expression used in the Act of 2002.

2. According to the petitioners, their challenge to the measures taken by the said respondent has not been dealt with by

the relevant Debts Recovery Tribunal, though this limited question is involved therein.

3. In view of the order proposed to be made, no previous service is required to be effected on the respondents. However, the petitioners will be obliged to forward copies of the petition and this order to all the respondents as expeditiously as possible.

4. W.P.No.5425 of 2021 is disposed of by requesting the Debts Recovery Tribunal II, Chennai, to take up the preliminary issue raised by the petitioners in S.A.No.309 of 2019, that second respondent is not entitled to invoke the provisions of the said Act of 2002. It is hoped that the Tribunal will find it convenient to take up the matter within three weeks of a copy of this order being presented before it. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Presiding Officer
DRT- II Chennai
Spencer Tower, 770- A
4th Floor, Anna Salai
Chennai- 2.
- 2 The Authorized officer
M/s REPCO Bank
Thiruvannmalai Branch
No.115/5, Ground Floor
Chinnakadai Street
Tiruvannamalai 606 601.
3. The Registrar,
Debt Recovery Tribunal II,
Chennai.

+1cc to Mr.P.Chandrasekar, Advocate, SR.No.15050.

W.P.No.5425 of 2021

AK-II(CO)
CSR 26.03.2021