



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.11662 of 2021

M/s. Cee Dee Garments
Rep. by its Managing Partner
D.Murthy
No.15, Kaliyappa Nagar 1st Street
Kangayam Road
Tiruppur 641 604.

..Petitioner

Vs.

The Authorised Officer/Chief Manager
Bank of India
Tiruppur SME Branch
No.18, Harini Centre
Khaderpet, Tiruppur
Tiruppur District.

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondent from taking the possession of the petitioner's properties situated at Door No.100, 100-A, Site No.34, S.F.No.662, Amarjothi, A.S.Nagar, 7th Cross Street, Arivuthirukoil Street, Nallur, Tiruppur, Door No.15, Site No.33, S.F.No.663, Kaliyappa Nagar 1st Street, Rakkiyampalam, Nallur village, Tiruppur and Door No.7/29, S.F.No.210, Rakkiyapalayam, Pattatharasiamman Nagar, Nallur Village, Tiruppur.

For the Petitioner : Mr.C.Prakasam

For the Respondent : Mr.F.B.Benjamin George

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Several disputed questions of fact arise in this petition, particularly pertaining to whether the order dated October 14, 2019 passed by the Debts Recovery Tribunal, Coimbatore, has been fully complied with by the petitioner and, whether upon such



compliance, it was incumbent on the respondent bank to not take steps to sell or confirm the sale of the immovable property furnished as security.

2. By the order dated October 14, 2019, an interim stay was granted by the relevant Debts Recovery Tribunal. The exact order of the Tribunal was for the respondent bank "not to confirm the sale, if it is so held, till 16.01.2020".

3. The bank suggests that since there was no embargo after January 16, 2020, the bank was well within its rights to take possession of the property. However, the petitioner suggests that the order must be seen to have implied that if the conditions imposed by the relevant order had been complied with by the petitioner, no further action in respect of the property would be taken by the bank.

4. Since the matter pertains to the interpretation and effect of an order passed by the Debts Recovery Tribunal, the petitioner is left free to approach the relevant Debts Recovery Tribunal in accordance with law to air the present grievance.

5. W.P.No.11662 of 2021 is not entertained since the relevant forum which passed the order is available to the petitioner herein. It is made clear that the merits of the matter have not been gone into. There will be no order as to costs. W.M.P.No.12410 of 2021 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tar

To

The Authorised Officer/Chief Manager
Bank of India
Tiruppur SME Branch
No.18, Harini Centre
Khaderpet, Tiruppur
Tiruppur District.

Copy to :

The Debts Recovery Tribunal
Coimbatore

W.P.No.11662 of 2021

SJ (CO)

K.RK. (06.09.2021)