



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

CORAM

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.17869 of 2021
and W.M.P.No.19075 of 2021

1.S.Suganthy

2.S.Chinthamani

.. Petitioners

Vs.

1. The Registrar,
Debt Recovery Tribunal,
Coimbatore.

2. The Authorised Officer,
State Bank of India,
(Formerly State Bank of Hyderabad),
Regional Office-II, 43-B, Abirami Towers,
II Floor, Cowley Brown Road,
R.S.Puram, Coimbatore 641 002.

3. State Bank of India,
Rep. by its Branch Manager,
Sivanandapuram Branch,
307-Visagam Complex,
Sathy Main Road, Sivanandapuram,
Saravanampatti, Coimbatore 641 002.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent Tribunal to dispose of the petitioners' application in S.A.No.304 of 2017 pending on its file, within a stipulated time frame as fixed by this court.

For the Petitioners : Mr.A.Suresh Sakthi Murugan

ORDER

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

The grievance of the petitioners is that a matter which has been filed before Debts Recovery Tribunal, Coimbatore has remained pending from 2017 despite the hearing having been



concluded once and the Presiding Officer being transferred without judgment being pronounced.

2. The petitioners say that they were the successful bidders at an auction conducted by the respondent secured creditor under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. For reasons which are not necessary to be gone into at this stage, it appears that the sale did not go through, whether or not because of the petitioners' failure to tender the consideration or balance consideration, is not clear. What is evident from the petitioners' submission is that the secured creditor has subsequently sold the property and has purported to forfeit the initial amount that had been deposited by the petitioners herein.

3. The petitioners challenged the action taken by the secured creditor by way of S.A.No.304 of 2017 which was lodged before the DRT, Coimbatore. According to the petitioners, the matter was heard out and reserved for judgment on February 17, 2020. The petitioners say that judgment has not been delivered.

4. In the meantime, the petitioners acknowledge that the Presiding Officer at the relevant DRT before whom the matter had been heard has been replaced. Accordingly, the petitioners seek a direction for the expeditious disposal of the matter since the petitioners' money has remained blocked for a considerable period of time.

5. In view of the order proposed to be made, no previous notice is required to be issued to the respondents since no prejudice will be occasioned to the secured creditor or any other by this order.

6. W.P.No.17869 of 2021 is disposed of by requesting the DRT, Coimbatore to ensure that S.A.No.304 of 2017 filed by the petitioners herein is dealt with in accordance with law and disposed of within a period of six months of the receipt of a copy of this order.

W.M.P.No.19075 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra



To:

1. The Registrar,
Debt Recovery Tribunal, Coimbatore.
2. The Authorised Officer,
State Bank of India,
(Formerly State Bank of Hyderabad),
Regional Office-II, 43-B, Abirami Towers,
II Floor, Cowley Brown Road,
R.S.Puram, Coimbatore 641 002.
3. The Branch Manager,
State Bank of India,
Sivanandapuram Branch,
307-Visagam Complex,
Sathy Main Road, Sivanandapuram,
Saravanampatti, Coimbatore 641 002.

+1cc to Mr.A.Suresh Sakthi Murugan, Advocate, S.R.No.43451

W.P.No.17869 of 2021

MG(CO)
CT/06/09/2021