



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P No.20973 of 2021

S.Muruganandan

...Petitioner

vs.

1. The Presiding Officer
Debts Recovery Tribunal
Jawans Bhawan, 2nd and 3rd Floor
27, Travellers Bungalow Road
Coimbatore - 641 018.

2. The Authorised Officer
City Union Bank Limited
24-B, Gandhi Nagar
Kumbakonam - 612 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to stay the petitioner being dispossessed from their residential property till the disposal of the SA No.164 of 2020 pending on the file of the DRT, Coimbatore.

For the Petitioner : Mr.B.Gurumurthy

ORDER

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

The petition is by the son of a person who had mortgaged an immovable property in favour of the second respondent bank in connection with credit facilities obtained by the wife of the present petitioner.



2. The immediate grievance is that the mother of the present petitioner, who is said to be 83, may be dispossessed from the property upon the respondent secured creditor taking steps in terms of an order passed on a request under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. It is fairly submitted on behalf of the petitioner that the petitioner has questioned the propriety of the measures taken by the respondent secured creditor in proceedings instituted under Section 17 of the said Act before the jurisdictional Debts Recovery Tribunal. According to the petitioner, the order passed on the request under Section 14 of the said Act has also been questioned before the relevant Debts Recovery Tribunal.

4. In view of such submission, the present writ petition appears to be superfluous and completely unnecessary. Since the petitioner has carried independent proceedings before the jurisdictional Debts Recovery Tribunal, any interim order pertaining to the immovable property may be obtained from the relevant Debts Recovery Tribunal and not by instituting independent proceedings under Article 226 of the Constitution.

5. For the reason aforesaid, W.P.No.20973 of 2021 is not entertained on merits and the petitioner is left free to obtain appropriate interim relief in the petitioner's proceedings under Section 17 of the said Act taken to the jurisdictional Debts Recovery Tribunal.

There will be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Presiding Officer,
Debts Recovery Tribunal
Jawans Bhawan, 2nd and 3rd Floor
27, Travellers Bungalow Road
Coimbatore - 641 018.



2. The Authorised Officer
City Union Bank Limited
24-B, Gandhi Nagar
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+1cc to M/s.B.Rabu Manohar, Advocate SR.51427

W.P No.20973 of 2021

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srg 07/10/2021