



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P (MD) NO.19539 of 2021

and

W.M.P (MD) No. 16228 Of 2021

WEB COPY

P.Karuppaiah

: Petitioner

vs .

1.The Presiding Officer,
Debt Recovery Tribunal,
Madurai.

2.The Authorized Officer,
UCO Bank,
Sivagangai Branch,
6/73,VOC Street,
Sivagangai-630 561.

3.The Branch Manager,
UCO Bank,
Sivagangai Branch,
6/73,VOC Street,
Sivagangai-630 561.

4.B.Karunakaran

: Respondents

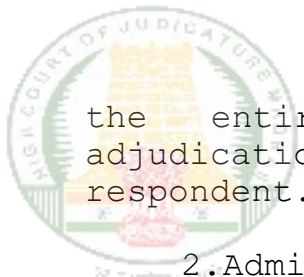
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondent to receive the Demand Draft tendered by the petitioner bearing No.374241, dated 18.10.2021, towards the entire outstanding due amount of Rs.21,19,000/-, pending adjudication of the S.A.No.442 of 2021, on the file of the first respondent.

For Petitioner	: Mr.G.Mohan Kumar
For Respondents	: Mr.PT.S.Narendravasan
2 and 3	for Mr.K.Periyasamy

O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The petitioner has filed the above petition to issue Writ of Mandamus, directing the second and third respondent to receive the Demand Draft tendered by the petitioner, dated 18.10.2021, towards



the entire outstanding amount of Rs.21,19,000/-, pending adjudication of S.A.No.442 of 2021, on the file of the first respondent.

2.Admittedly, the petitioner has filed an appeal in S.A.No.442 of 2021, on the file of the Debts Recovery Tribunal ,Madurai. The petitioner has filed the present Writ Petition stating that he is willing to settle the entire outstanding amount to the respondent Bank. However, the petitioner contended that the respondent Bank is refusing to receive the said amount.

3.Since, the securitization appeal is already pending before the first respondent,we are of the considered view that the petitioner can seek for the remedy only before the Debts Recovery Tribunal and not before this Court. Therefore, we give liberty to the petitioner to approach the Debts Recovery Tribunal, seeking for the appropriate relief in S.A.No.442 of 2021.

4.In the case of the petitioner filing any application before the Debts Recovery Tribunal in S.A.No.442 of 2021, the Debts Recovery Tribunal shall decide the same on merits and in accordance with law as expeditiously as possible.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition closed.

Sd/-

Assistant Registrar (CO)

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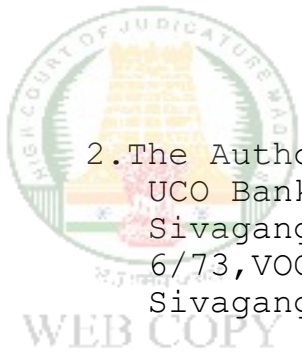
Sub Assistant Registrar(CS)

vsn/lr

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 Presiding Officer,
Debt Recovery Tribunal,
Madurai.



2.The Authorized Officer,
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Sivagangai Branch,
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3.The Branch Manager,
UCO Bank,
Sivagangai Branch,
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Sivagangai-630 561.

+1 CC to M/s.K.PERIYASAMY, Advocate (SR-33311[F] dated 29/10/2021)

+1 CC to M/s.G.MOHAN KUMAR, Advocate (SR-33325[F] dated
29/10/2021)

ORDER MADE IN
W.P (MD) NO.19539 of 2021
and
W.M.P (MD) No.16228 of 2021
29.10.2021

VR (CO)
RS/JC (01.11.2021) 3P 6C