



WEB COPY

W.P(MD)NO.20997 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.20997 OF 2021

and

W.M.P(MD)Nos.17600 and 17601 of 2021

N.Sakthivel

:Petitioner

.VS.

1.The Authorized Officer,
Equitas Small Finance Limited,
Fourth Floor, Phase-II, Specer Plaza,
No.769,Mount Road,
Chennai-2.

2.Equitas Small Finance Bank Limited,
represented by its Authorized Officer,
No.91/1A1, G.V.Complex Second floor,
Jawhar Second Street, Bye-pass Road,
Madurai - 625 010.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order in Cr.M.P.No.6730 of 2021 on 1.11.2021, on the file of the Chief Judicial Magistrate, Dindigul and to quash the same.

For Petitioner

:Mr.P.Muthusamy

For Respondent-1

:Mr.B.Baskar

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA,J)

This Writ Petition is filed by the borrower challenging the order passed by the Chief Judicial Magistrate, Dindigul under Section 14 of the SARFAESI Act, 2002.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.When the matter came up for admission on the earlier occasion on 24.11.2021, the learned counsel appearing for the Petitioner

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sought adjournment to approach the respondents/Bank to work out the mode of payment of the loan amount, which is outstanding till today.

4. There is no progress shown by the Petitioner in finding out the mode of payment with the respondents-Bank. The learned counsel for the petitioner submitted that there is no Presiding Officer in the Debts Recovery Tribunal at Madurai and the same cannot be a ground, as the SARFAESI matters are being heard by the Debts Recovery Tribunal, Coimbatore, every week.

5. In view of the above situation, it is open to the Petitioner to approach the Debts Recovery Tribunal, Coimbatore, for appropriate relief, if so advised.

6. With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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 Chief Judicial Magistrate,
Dindigul.

2. The Presiding Officer
The Debts Recovery Tribunal, Coimbatore

+1 CC to M/s.B. BASKAR, Advocate (SR-36638[F] dated 30/11/2021)

ORDER MADE IN
W.P (MD) NO.20997 OF 2021
and
W.M.P (MD) Nos.17600 and
17601 of 2021
29.11.2021

ARK (CO)

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