



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.21461 of 2021

and W.M.P. (MD) No.18021 of 2021

WEB COPY

V.Anu

... Petitioner

Vs.

1.The Authorized Officer,
Indian Overseas Bank,
Regional Office,
No.552/3, MS Road, Vetturumadam,
Nagercoil - 629 003,
Kanyakumari District.

2.The Branch Manager,
Indian Overseas Bank,
Samiyarmadam Branch,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for records relating to the impugned notice issued by the 1st respondent dated 27.10.2021 and quash the same.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.R.Pandivel
Standing Counsel

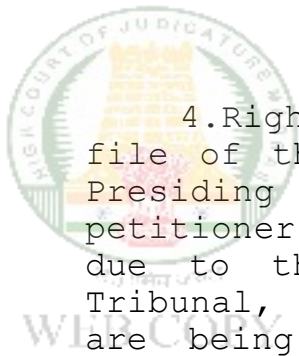
O R D E R

(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

The Writ Petition has been filed by the petitioner challenging the possession notice, dated 27.10.2021, issued by the first respondent under Rule 8(1) of the Security Interest (Enforcement) Rule, 2002.

2.Heard Mr.B.Prahalad Ravi, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel, appearing for the respondents.

3.By consent, the Writ Petition itself is taken up for final hearing at the stage of admission.



4.Rightly, the petitioner has filed S.A.No.522 of 2021, on the file of the Debts Recovery Tribunal, Madurai. Since there is no Presiding Officer in the Debts Recovery Tribunal, Madurai, the petitioner has also filed this Writ Petition. It is known fact that due to the absence of the Presiding Officer, Debts Recovery Tribunal, Madurai, the matters of Debt Recovery Tribunal, Madurai, are being taken up by the Presiding Officer, Debts Recovery Tribunal, Coimbatore, once in a week i.e., on every Friday. The petitioner's application is also numbered as S.A.No.522 of 2021. Instead of moving the Debts Recovery Tribunal, Coimbatore, the petitioner has come to this Court and hence, the Writ Petition cannot be maintained before this Court.

5.At this juncture, the learned counsel for petitioner made a request that his case may be directed to be considered on the coming Friday i.e., on 10.12.2021.

6.In view of the above circumstances, we only direct the Debts Recovery Tribunal, Coimbatore, to take up S.A.No.522 of 2021, on the file of the Debts Recovery Tribunal, Madurai, as a special case on 10.12.2021 and pass appropriate orders on merit. The learned Standing Counsel, who has taken notice on behalf of the respondents, is informed that till order is passed by the Debt Recovery Tribunal, the respondents will not proceed with the possession notice.

7.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Debts Recovery Tribunal,
Coimbatore.

2.The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-37348[F] dated
03/12/2021)

W.P (MD) No.21461 of 2021
03.12.2021

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RS (03.12.2021) 3P 4C