



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

W.P.No.1824 of 2022
and W.M.P.No.1960 of 2022

P.Ramesh

.. Petitioner

Vs.

The Authorized Officer,
M/s.Union Bank of India,
Peruntholuvu Branch,
No.2/83, Main Road, Peruntholuvu,
Tirupur.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorari calling for the records pertaining to the order dated 15.12.2021 in I.A.No.3490 of 2021 in S.A.No.823 of 2021 on the file of Debts Recovery Tribunal, Coimbatore and quash the same.

For Petitioner : Mr.K.J.Parthasarathy
For Respondent : Mr.P.Veeraraghavan

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner, who is the borrower, has filed the above Writ Petition to issue a Writ of certiorari calling for the records pertaining to the order dated 15.12.2021 in I.A.No.3490 of 2021 in S.A.No.823 of 2021 on the file of Debts Recovery Tribunal, Coimbatore and to quash the same.

2.Challenging the auction sale notice dated 23.11.2021, the petitioner filed an appeal in S.A.No.823 of 2021 before the Debts Recovery Tribunal, Coimbatore. In the said appeal, the petitioner had also filed an application in I.A.No.3490 of 2021 seeking for an order of interim stay. The Tribunal, taking into consideration the case of both parties, granted an order of interim stay, on condition the petitioner paying a sum of Rs.75,00,000/- in two equal installments. The first of such installment was to be paid on or before 12.01.2022 and the second installment on or before 09.02.2022. Challenging this order, the borrower has filed the above Writ Petition.

3.When the Writ Petition is taken up for hearing, Mr.K.J.Parthasarathy, learned counsel appearing for the petitioner submitted that he has got instructions to submit



that the petitioner is not contesting the Writ Petition challenging the order passed by the Debts Recovery Tribunal, instead, four weeks time may be granted to the petitioner to comply with the order passed by the Debts Recovery Tribunal.

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4.Mr.P.Veeraraghavan, learned counsel taking notice for the respondent - Bank submitted that the respondent - Bank had already auctioned the property and the same was also confirmed and Sale Certificate dated 31.01.2022 was also issued in favour of the successful bidder.

5.The learned counsel for the petitioner submitted that to show his bona fide, the petitioner may be permitted to deposit the sum of Rs.75,00,000/- before the Debts Recovery Tribunal, Coimbatore.

6.In view of the submissions made by the learned counsel on either side, without going into the merits of the order passed in I.A.No.3490 of 2021, we grant four weeks time, from the date of the receipt of a copy of this order, to the petitioner to deposit the sum of Rs.75,00,000/- (Rupees seventy five lakhs only) to the credit of S.A.No.823 of 2021 on the file of the Debts Recovery Tribunal, Coimbatore.

7.With these observations, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions is closed.

08/02/2022

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This mater having been listed under the caption for being mentioned on 01/03/2022. pursuance to the order of this Court dated 08/02/2022 and made herein in the presence of the aforesaid counsels on either side the court made the following order :-

At the instance of Mr. P. Veeraraghavan, learned counsel appearing for the respondent-bank, the matter has been listed today under the caption "for being mentioned".

2. By order dated 08.02.2022, this Court, dismissed the Writ Petition recording the submissions made by the respondent-bank to the effect that the secured asset was already sold in the auction and the sale was confirmed and sale certificate was also issued on 31.01.2022. However, the learned counsel appearing for the petitioner-borrower submitted that to show his bona fide, the petitioner may be permitted to deposit the sum of Rs.75,00,000/-[Rupees seventy five lakhs only] before the Debts Recovery Tribunal, Coimbatore, to the credit of S.A.No.823 of 2021.



3. In view of the submissions made by the learned counsel appearing for the petitioner, this court granted four weeks' time to the petitioner to deposit the sum of Rs.75,00,000/-[Rupees seventy five lakhs only] before the Debts Recovery Tribunal, Coimbatore, to the credit of S.A.No.823 of 2021.

4. The learned counsel appearing for the respondent-bank submitted that the counsel, who is appearing for the petitioner before the Debts Recovery Tribunal and before the Chief Judicial Magistrate is misinterpreting the order passed in W.P.No.1824 of 2022, dated 08.02.2022, as though the order of interim stay was granted in favour of the petitioner.

5. On a reading of the order dated 08.02.2022 in the Writ Petition would make it clear that this Court has not granted any interim order in favour of the petitioner. He can only prosecute the pending appeal in S.A.No.823 of 2021, in accordance with law.

6. Mr. K.J. Parthasarathy, learned counsel appearing for the petitioner submitted that he has not given any letter either to the Advocate Commissioner appointed by the Chief Judicial Magistrate, Tirupur or to the Debts Recovery Tribunal to the effect that this court had stayed the proceedings.

7. In such view of the matter, we are not inclined to pass any further order in the matter.

01.03.2022

Rj

Sd/-

Assistant Registrar(CCC)
9/02/2022

***(Corrected as per order of this Court
dated 01/03/2022 made in WP.NO 1824/2022)**

Sd/-

Assistant Registrar(CCC)
02/03/2022

//True Copy//

Sub Assistant Registrar

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To

The Authorized Officer,
M/s.Union Bank of India,
Peruntholuvu Branch,
No.2/83, Main Road, Peruntholuvu,
Tirupur

***To be substituted the
order already despatched
on 10/02/2022**



COPY TO:

The Presiding Officer,
Debts Recovery Tribunal, Coimbatore.

WEB COPY

W.P.No.1824 of 2022
and W.M.P.No.1960 of 2022

mg (CO)
A.SK(09.02.2022)
CT (02/03/2022)