

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.A.Nos.1303 and 1317 of 2022

W.A.No.1303 of 2022:

The Branch Manager
Canara Bank, Karaikadu Branch
Cuddalore, Cuddalore District.

.. Appellant

Vs

- 1 Karthikeyan Traders
Rep. by S.karthikeyan, S/o.Selvam
Erumbur, Bhuvanagiri Taluk
Kiliruppu, Cuddalore District - 608 704.
- 2 Anbarasu Traders
Rep. by Anbarasu, S/o.Selvaraj
No.22 North Main Road
Setthiathope, Cuddalore - 608 702.
- 3 Ayyappan Traders
Rep. by Ayyappan, S/o.Ramalingam
No.75 Middle Street, Anaivari, Veeramudaiyanthan
Cuddalore District - 608 702.
- 4 E.BALAJI TRADERS
Rep by E.Balaji (Now represented by Guarantor, Anbarasu)
Melatheru, Anaivari, Veeramudaiyanatham
Cuddalore District- 608 702.
- 5 C.S.E. TRADERS
Rep by S.E. Christopher
37/B Kannan Nagar
2nd Street, Thanjavur
Tamil Nadu- 613007.
- 6 EDISON TRADERS
Rep by Edison S/o.Gnanasekaran
398, Melaveli Vethanarayanthethu
Manjakollai Post
Chidambaram Taluk- 608 601.

- 7 GOVINDARAJAN TRADERS
Rep by V.Govindrajan, S/o.Mr.Venugopal
No.103, Naduthuru, Kollappadi
Vazhaikkollai Post, Sethiathope
Cuddalore District- 608 702.
- 8 GUNALAN ENTERPRISES
Rep by Mr.Gunalan
No.210 East ST Chinnanerkunam
Bhuvanagiri Taluk, Cuddalore
Cuddalore District- 608704.
- 9 KARTHIKEYAN TRADERS
Rep by C.Karthikeyan, S/o. Chandrasekar
No.48 West Street, Viruthachalam Taluk
Mummudi Chozhakan, Kathazhai
Cuddalore- 606 103.
- 10 MANIKANDAN ENTERPRISES
Rep by P.Manikandan S/o. Mr.Palanisamy
No.1 North Street Kizapazanjnallur
Kattumannar Koil Taluk
Cuddalore District - 608 301.
- 11 PRADESH TRADERS
Rep by K.Prabu S/o.Mr.Kasinathan
No.57 South Street Anaivari Bhuvanagiri Taluk
Cuddalore District - 608 702.
- 12 SAMPATH ENTERPRISES
Rep by T.Sampath S/o. Mr.Thatchinamoorthy
No.01 Kaliyamman Koil Street Kilankandu
Bhuvanagiri Taluk, Cuddalore District-608702
- 13 SELLADURAI CASHEWS
Rep by Mr.Selladurai S/o.Sundaramoorthy
No.1 Keelapazhanjanallur Pazhanjanallur Post
Cuddalore- 608 301.
- 14 SENTHILMURUGAN CASHEWS
Rep By J.Senthil Murugan S/o. Mr.Jeyaraman
No.504 North Street Vandayankuppam
Manjakollai Post Chidambaram Taluk-608 601.
- 15 SOLOMON CASHEWS
Rep by Mr.Solomon
No.1954 Melakkara Lane
Manojiyappa Street, Thanjavur West
Thanjavur-613 009.

- 16 THE SECRETARY TO GOVERNMENT
of Agricultural Department, Krishna Bhavan.
Dr.Rajendra Prasad Road, New Delhi.
- 17 THE DISTRICT COLLECTOR
Collectrate, Cuddalore, Cuddalore District.
- 18 THE GENERAL MANAGER
Debt Recovery Department
Canara Bank No-170
Nag Construction, Lal Bhagathur Shathri Street
Pondicherry. .. Respondents

W.A.No.1317 of 2022:

The Branch Manager
Canara Bank
Karaikadu Branch
Cuddalore, Cuddalore District. .. Appellant

Vs

- 1 K.Prabu
- 2 M. Affrien Banu
- 3 R. Aravind Kumar
- 4 R. Aruna
- 5 R. Dhanalakshmi
- 6 G.Eazhilarasi
- 7 G. Edison
- 8 T. Gnanasundari
- 9 R. Ayyapan
- 10 R. Kalaiyarasi
- 11 S. Karthikeyan
- 12 Manjula
- 13 G. Manivanan
- 14 E. Mahalakshmi
- 15 R. Panchanathan
- 16 G. Ramachandran
- 17 R. Rajesh
- 18 R. Rajalakshmi
- 19 R. Ramamoorthy
- 20 Rajavalli
- 21 S. Senthilkumar
- 22 K. Sujatha
- 23 P. Sumathi
- 24 R. Sumathi
- 25 Thamaraiselvan
- 26 K. Tamilselvan
- 27 N. Thambidurai
- 28 G. Veeramani
- 29 D. Vimala

30 The Secretary to Government
Agricultural Department, Krishna Bhavan
Dr.Rajendra Prasad Road New Delhi.

31 The District Collector
Collectorate Cuddalore
Cuddalore District.

32 The General Manager
Debt Recovery Department Canara Bank
No.170 Nag Construction
Lal Bhagathur Shasthri Street
Pondicherry.

.. Respondents

Prayer: Appeals under Clause 15 of the Letters Patent against
(i) the order dated 14.9.2021 in W.P.No.19215 of 2021; and, (ii)
the order dated 17.8.2021 in W.P.No.17100 of 2021.

Prayer in WP.No.19215 of 2021:

Writ Petition filed under Article 226 of the Constitution
of India, praying for issuance of a Writ of Mandamus directing
the third and fourth respondents not to pursue against the
petitioners except after claiming the insurance made by them as
per the term of MSME loan agreement, by considering their
representation dated 30.07.2021.

Prayer in WP.No.17100 of 2021:

Writ Petition filed under Article 226 of the Constitution
of India praying for issuance of a Writ of Mandamus directing
the respondents 3 & 4 not to pursue against us except after
claiming the insurance made by us as per the term of the loan
agreement, by considering our representation 06.07.2021.

For the Appellant : Mr.K.Anbarasan
in both the appeals

COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

These writ appeals are filed against (i) the order dated
14.9.2021 in W.P.No.19215 of 2021; and, (ii) the order dated
17.8.2021 in W.P.No.17100 of 2021, wherein following directions
have been given in paragraph (4):

Paragraph (4) of the order dated 14.9.2021 in
W.P.No.19215 of 2021:

"4. Considering the above facts and circumstances
of the case and having regard to the submissions

made by the learned counsel on either side, this Court directs the third and fourth respondents to consider the notice dated 30.07.2021 sent on behalf of the petitioners and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners or their representative. Such an exercise shall be completed by the respondents 3 and 4 within a period of eight weeks from the date of receipt of a copy of this order."

Paragraph (4) of the order dated 17.8.2021 in W.P.No.17100 of 2021:

"4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents 3 & 4 to consider the representations of the petitioners dated 06.07.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

2. The order aforesaid cannot be said to be against the writ appellant, rather a direction has been given to consider the notice/representation sent by the writ petitioners/non-appellants on merits and in accordance with law, after affording an opportunity of personal hearing to them. It is not known as to how the writ appellant is aggrieved by the consideration of the notice/ representation sent by the writ petitioners/non-appellants.

3. If original applications have already been preferred and the same are pending before the Debts Recovery Tribunal and if the notice/representation sent by the writ petitioners/non-appellants is to defeat the purpose of the original applications, the appellant may state the aforesaid reason while deciding the notice/representation. The order of the learned Single Judge, therefore, does not warrant interference.

4. At this stage, learned counsel for the writ appellant seeks extension of time by two weeks for consideration of the notice/ representation of the writ petitioners/non-appellants.

In view of the above, the writ appeals are dismissed

granting two weeks' time to the writ appellant to comply the directions given by the learned Single Judge in paragraph (4) quoted above. There will be no order as to costs. Consequently, C.M.P.Nos.8254 and 8287 of 2022 are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

- 1 THE SECRETARY TO GOVERNMENT
Agricultural Department, Krishna Bhavan.
Dr.Rajendra Prasad Road, New Delhi.
- 2 THE DISTRICT COLLECTOR
Collectrate, Cuddalore,
Cuddalore District.
- 3 THE GENERAL MANAGER
Debt Recovery Department
Canara Bank No-170
Nag Construction, Lal Bhagathur Shathri Street
Pondicherry.

+1cc to Mr.K.Anbarasan, Advocate, S.R.No.37277

+1cc to the Government Pleader, S.R.No.37710

W.A.Nos.1303 and 1317 of 2022

GSM(CO)
UMA(18/07/2022)