



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.05.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R. SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. No. 12261 to 12263 of 2022
&
W.M.P. Nos. 11722 to 11733 of 2022

1. G. Jawahar
2. J. Rajalakshmi

..Petitioners in
all WPs

Vs.

The City Union Bank Ltd.,
Ram Nagar Branch,
Sarojini Street,
Ram Nagar, Coimbatore - 9.

..Respondent in
all WPs

Common Prayer: Petitions under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records pertaining to the impugned orders passed by the learned Chief Judicial Magistrate, Coimbatore, dated 03.03.2022 made in Crl.M.P. Nos. 207, 206, & 209 of 2022 respectively and quash the same.

For Petitioners	::	Mr.Jayesh B. Dolia for
in all WPs		M/s. Aiyar & Dolia
For Respondent	::	Ms. Ananda Gomathy
in all Wps		

O R D E R

(Order of the Court was made by G. R. SWAMINATHAN,J.)

The writ petitions have been filed challenging the orders dated 03.03.2022 passed in Crl.M.P. Nos. 207, 206 & 209 of 2022 respectively by the learned Chief Judicial Magistrate, Coimbatore and to quash the same.

2. The petitioners challenge the orders dated 03.03.2022 passed by the learned Chief Judicial Magistrate, Coimbatore, under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act' in short). It is seen that the petitioners had



already filed S.A. Nos. 666 to 668 of 2019 before the Debts Recovery Tribunal, Coimbatore, as against the possession notices issued by the respondent Bank. The points raised before us are pending consideration in the said SARFAESI appeals. We are, therefore, of the view that the factual aspects, now canvassed before us, can as well be adjudicated in the pending SARFAESI appeals.

3. The learned Standing Counsel for the respondent Bank gives an undertaking before us that on the adjourned date, i.e., on 24.05.2022, the Bank will not take time and will argue the matter finally.

4. Hence, the Debts Recovery Tribunal, Coimbatore, is directed to take up the aforesaid SARFAESI appeals in S.A. Nos. 666 to 668 of 2019 for final disposal on the said date. We make it clear that we have not gone into the merits of the matter and all the contentions of the respective parties are left open.

5. The writ petitions are disposed of accordingly. No costs. Connected W.M.Ps are closed.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

nv/arr

To

1.The City Union Bank Ltd.,
Ram Nagar Branch,
Sarojini Street,
Ram Nagar, Coimbatore - 9.

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

+1 cc to M/s. Aiyar & Dolia, Advocate Sr.NO. 31642

W.P. Nos. 12261 to 12263 of 2022

AK(CO)
A.SK(20/05/2022)