



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.P.No.15238 of 2022

1.Thiruvaramangam Spintex Pvt. Ltd.
Rep. by its Director, Navaneethakrishnan
S/o. K.G.Venugopal
Chinniyampalam Post
Coimbatore - 641 062.

2.D.Rajeswari

3.V.Navaneethakrishnan

...Petitioners

Vs

1.The Recovery Officer
Indian Overseas Bank
Dr.Nanjappa Road
Coimbatore - 641 018.

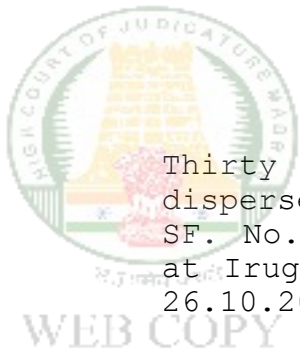
2.The Senior Manager
Indian Overseas Bank
Dr.Nanjappa Road
Coimbatore.

3.The District Collector
Coimbatore District
Coimbatore.

4.The Special Tahsildar
Airport Expansion Run Way Acquisition Officer
Coimbatore.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to call for the entire proceedings pertaining to the 1st Respondent in their proceedings Ref. No. ARMB/ 2021-22, dated 28.12.2021 and the recovery proceedings RP. No. 559/2019 in DRC No.107/2019 in OA. No.234/2018 dated 4.04.2022 and quash the same and consequently direct the 1st respondent bank to accept the one Time Settlement amount arrived to a sum of Rs.2.36 crores (Rupees Two Crores and



Thirty six lakhs only) and further direct the 3rd respondent to disperse compensation amount to the lands of the petitioners in SF. No. 241/1, 256/2B, 256/2C and in S.F. No. 241/1, 256/2C at Irugur Village, Coimbatore District as per the orders dated 26.10.2021 made in WP. No. 11108 and 11109 of 2017.

For the Petitioners : Ms.P.Bagyalakshmi

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed seeking multiple prayers and, therefore, each of the prayer would be dealt with separately to have clarity and for that we would be going in the reverse order of the prayers.

2. The petitioners have sought a direction on the third respondent to disburse the compensation amount of the land so acquired. The direction aforesaid has been sought on the District Collector, Coimbatore District, pursuant to the land acquired by following the process of law and was otherwise mortgaged with the bank.

3. We find that earlier the issue in regard to the acquisition of the land was taken by the petitioners by filing W.P.Nos.11108 and 11109 of 2017, which were decided by the order dated 26.10.2021. This court after considering the rival arguments directed the District Collector, Coimbatore to determine the value of the compensation for the land subjected for acquisition within a period of eight weeks and disburse the said amount within four weeks thereafter. Despite specific direction not only regarding determination of the compensation, but also its disbursement, the present writ petition has been filed to seek the same direction, which would only lead to multiplicity of litigation unnecessarily. If the compliance of the direction given in the earlier writ petition was not made, the petitioners should have filed a contempt petition and not a fresh writ petition for the same cause of action.

4. The petitioners have even challenged the notice dated 4.4.2022 issued by the Debts Recovery Tribunal under Section 28 (3)(i) of the Recovery of Debts and Bankruptcy Act, 1993. It is said to be an ex parte order. Any order passed by the Debts Recovery Tribunal is appellable before the Debt Recovery Appellate Tribunal. It could not be clarified as to why the petitioners did not make challenge to the notice issued under Section 28(3)(i) of the Act of 1993 by taking appropriate proceedings. In any case, the petitioners are at liberty to challenge the said proceedings.



5. The third prayer is to direct the bank to accept the one-time settlement which was initially proposed by the bank itself, but was subsequently refused. It is stated that against the final order of recovery passed by the Debts Recovery Tribunal, an application for recall/review has been filed by the petitioners and the same is pending. The prayers are separate and show misjoinder of causes.

6. Accordingly, we are not inclined to accept the prayer for different causes, but before dismissing the writ petition, liberty is given to the petitioners to take appropriate remedy as per law and if different causes are to be challenged by the petitioners, it should be after satisfying its maintainability.

There will be no order as to costs. Consequently, W.M.P.Nos.14411, 14412, 14413 and 14414 of 2022 are closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To:

1.The Recovery Officer
Indian Overseas Bank
Dr.Nanjappa Road
Coimbatore - 641 018.

2.The Senior Manager
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Dr.Nanjappa Road
Coimbatore.

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4.The Special Tahsildar
Airport Expansion Run Way Acquisition Officer
Coimbatore.

+1cc to M/s.P.Bagyalakshmi, Advocate Sr.No.38008

W.P.No.15238 of 2022

GJ(CO)
RVM(24/06/2022)