



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.24141 of 2021
and
W.M.P.No.25457 of 2021

M.Vellingiri

.. Petitioner

vs

1. The Authorised Officer,
Union Bank of India
(Formerly Corporation Bank),
rep. by its Branch Manager,
Nos.278/279, Gandhiji Road,
Erode-638 001.

2. Union Bank of India,
(Formerly Corporation Bank),
rep. by its Branch Manager,
Nos.278/279, Gandhiji Road,
Erode-638 001.

3. S.Sathasivam

4. S.Loganathan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the order dated 29.09.2021 in S.A.No.292 of 2021 on the file of Debts Recovery Tribunal, Coimbatore and quash the same.

For the Petitioner : Mr.N.Manokaran

For the Respondents : Mr.Srinath Sridevan
for RR 1 and 2

: No appearance for RR 3 and 4



ORDER

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

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By this writ petition, challenge is made to the interim order passed by the Debts Recovery Tribunal, Coimbatore. The writ petition was filed when the Debts Recovery Appellate Tribunal was not functional.

2. The learned counsel for the petitioner, however, submits that during the pendency of the writ petition, the building of the college was auctioned and the amount recovered out of it is more than the amount payable by the borrower. In view of the same, the amount due to the bank has been satisfied with the auction of the college building and therefore, the house building belonging to the petitioner may be let free.

3. The learned counsel appearing for the respondent bank submits that if subsequent developments had taken place in the matter, the petitioner may file an application for recall of the order under challenge before the Debts Recovery Tribunal by giving out all the details referred to above and in that case, the Debts Recovery Tribunal may pass appropriate orders in the facts and circumstances of the case. The learned counsel for the petitioner has agreed to the aforesaid.

4. Accordingly, this writ petition is disposed of with liberty to the petitioner to move an application before the Debts Recovery Tribunal for recall of the order under challenge in reference to the subsequent developments taken place in the matter. In that case, the Debts Recovery Tribunal is expected to pass appropriate orders in accordance with law. No costs. Consequently, W.M.P.No.25457 of 2021 is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Authorised Officer,
Union Bank of India
(Formerly Corporation Bank),
Nos.278/279, Gandhiji Road,
Erode-638 001.



2. The Branch Manager,
Union Bank of India,
(Formerly Corporation Bank),
Nos.278/279, Gandhiji Road,
Erode-638 001.

3. The Debts Recovery Tribunal
Coimbatore.

+lcc to Mr.N.Manokaran, Advocate, S.R.No.26687

W.P.No.24141 of 2021

SPD(CO)
SB(25/04/2022)