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WMP. No. 28963 of 2021
in
W.P.No.24778 of 2021

M.DURAISWAMY, J.
and
J.SATHYA NARAYANA PRASAD, J.

This court by order dated 19.11.2021, disposed of the writ petition directing the second respondent, Tahsildar, Madhavaram to implemend the order dated 13.03.2020 passed by the first respondent within a period of four (4) weeks.

2. Further, this court also directed the fourth respondent, the Deputy Commissioner of Police, Madhavaram, Chennai to render necessary assistance by providing adequate police protection to the second respondent at the time of taking possession of the said property.

3. It is pertinent to note that the first respondent has passed an order in an application under Section 14 of the SARFAESI Act as early as on 13.03.2020. However, the said order has not been implemented for nearly two years now. After the dismissal of the writ petition, the third respondent debtor has filed the above miscellaneous petition seeking for clarification of the order.

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4. Mr. Rajagopal, learned Senior Counsel appearing for the petitioner submitted that challenging Section 14 order passed by the first respondent dated 13.03.2020, the petitioner has filed an Appeal in S.A.No.142 of 2020 before the Debts Recovery Tribunal- I, Chennai and that the Tribunal has not allowed the debtor to make his submissions in the pending SARFAESI Appeal, for the reason that this court had passed an order in the writ petition in W.P. No. 24778 of 2021. Since as already stated, this court while disposing of the writ petition took into consideration the order passed in Section 14 Application passed by the first respondent as early as on 13.03.2020 and the said order remained unimplemented for nearly two years.

5. Since it is brought to the notice of this court by the learned Senior Counsel for the petitioner that there is no presiding officer in Debts Recovery Tribunal-I, we withdraw S.A.No.142 of 2020 pending on the file of Debts Recovery Tribunal-I and transfer the same to the file of Debts Recovery Tribunal-II, Chennai.

6. In these circumstances, we clarify that the Debts Recovery Tribunal-II, Chennai is at liberty to hear S.A.No. 142 of 2020 and pass orders in accordance with law. In the absence of any interim order granted by the DRT or DRAT, the fourth respondent is directed to implement the order passed in W.P.No.24778 of

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2021 within a period two (2) weeks from the date of receipt of a copy of this o

In other aspects, the order dated 19.11.2021 remains unaltered.

7. With these observations, the miscellaneous petition is disposed of.

[M.D.,J.] [J.S.N.P.,J.]
31.01.2022

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