



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No. 27771 of 2021 and
W.M.P. Nos. 29338 to 29342 of 2021

Paramasivam

.. Petitioner

v.

1. The Authorized Officer,
Indian Bank,
Hastinapur Branch,
Chennai - 600 044.

2. Ishwant Singh

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the records pertaining to order dated 20.09.2021 passed in S.A.No.33 of 2020 passed by the Debt Recovery Tribunal-III, in Chennai and to quash th same as illegal and consequently directing the 2nd respondent to settle loan amount.

For Petitioner : Mr. Om Prakash, Senior Counsel
for Ms.S.Deepika

For Respondent : Mr.T. Sundar Rajan - R1

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The above Writ Petition has been entertained by this court on 23.12.2021 for the reason that there was no Chairperson in the Debt Recovery Appellate Tribunal, Chennai, based on the order passed by the Hon'ble Supreme Court, dated 16.12.2021 in Special Leave to Appeal (C) No.10911/2021, requesting the High Courts to entertain the matters falling within the Jurisdiction of DRTs and DRATs under Article 226 of the Constitution in the case of non-appointment of members in the Tribunals. This Court also directed the parties to maintain status quo till 20.01.2022.



2. When the Writ Petition is taken up for hearing today, Mr.Omprakash, learned Senior Counsel appearing for the petitioner submitted that a Chairperson had already been appointed in the Debt Recovery Appellate Tribunal, Chennai and that the petitioner has also filed an appeal under section 18 of the SARFAESI Act before the Debt Recovery Appellate Tribunal, Chennai. Further, the learned Senior Counsel submitted that the interim order of status quo granted on 23.12.2021 may be extended for a period of three weeks enabling the petitioner to move appropriate petition before the Debt Recovery Appellate Tribunal, Chennai, seeking for an interim order as well as for the waiver of the mandatory deposit as per the provisions of section 18.

3. In view of the submissions made by the learned Senior Counsel appearing for the petitioner, the interim order granted on 23.12.2021 is extended till 14.03.2021 and it is open to the Debt Recovery Appellate Tribunal, Chennai, to decide the matter as to the granting of interim order as well as in the waiver application, in accordance with law.

With the above observations, the Writ Petition is closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

Rj
To

1. The Debt Recovery Tribunal-III, Chennai.
 2. The Authorized Officer,
Indian Bank,
Hastinapur Branch, Chennai - 600 044.
 3. The Debt Recovery Appellate Tribunal, Chennai.
- +1cc to Ms.S.Deepika, Advocate SR.No.11117

W.P. No.27771 of 2021 and
W.M.P. Nos. 29338 to 29342 of 2021

GJ(CO)
GMY(02/03/2022)