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W.P.No.30665 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30665 of 2022

T.R.Vijayakumar

..

Petitioner

v.

1. The Authorized Officer
State Bank of India
Stressed Asset Management Branch
1112, Raja Plaza, Avinashi Road
Coimbatore 641 037
2. The State Bank of India
represented by its Deputy General Manager
SAMB Coimbatore (16454)
Raja Plaza, 1st Floor
1112, Avinashi Road
Coimbatore 641 037
3. The Registrar
Debts Recovery Tribunal
2nd and 3rd Floors, Jawan's Bhavan



W.P.No.30665 of 2022

WEB COPY

27, T.B.Road
Coimbatore 641 018

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd respondent to issue the certified copy of the order in I.A.No.4212 of 2022 in S.A.No.992 of 2022 dated 31.10.2022 of the Hon'ble Debt Recovery Tribunal at Coimbatore, consequently forbear the respondents 1 and 2 of acting upon the proceedings in I.A.No.4212 of 2022 in S.A.No.992 of 2022 dated 31.10.2022 on the file of the Hon'ble Debt Recovery Tribunal at Coimbatore till the expiry of the limitation period in filing the appeal before the Hon'ble Debt Recovery Appellate Tribunal at Chennai.

For Petitioner :: Mr.R.Selvakumar

ORDER

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

Mr.T.R.Vijayakumar has filed this writ petition seeking for issuance of a mandamus directing the third respondent to issue the certified copy of the order in I.A.No.4212 of 2022 in S.A.No.992 of 2022 dated 31.10.2022 of the Hon'ble Debt Recovery Tribunal at Coimbatore and to consequently forbear the respondents 1 and 2 of acting upon the proceedings in I.A.No.4212 of 2022 in S.A.No.992 of 2022 dated 31.10.2022 on the file of the Hon'ble Debt Recovery Tribunal at Coimbatore, till the expiry of the



W.P.No.30665 of 2022

WEB COPY

limitation period in filing the appeal before the Hon'ble Debt Recovery Appellate Tribunal at Chennai.

2. Learned counsel appearing for the petitioner submitted that although the first part of the prayer has become infructuous, since the petitioner has received the certified copy of the order passed in I.A.No.4212 of 2022 in S.A.No.992 of 2022 dated 31.10.2022, on 15.11.2022, he further argued that when the conditional order dated 31.10.2022 passed by the Tribunal, received by the petitioner on 15.11.2022, has directed the petitioner to comply with certain conditions within four weeks time i.e., on or before 29.11.2022, since two weeks is already over, the petitioner may be given time to avail the remedy of appeal before the Debts Recovery Appellate Tribunal.

3. But we are not inclined to entertain the writ petition for the reason that when the petitioner is still left with sufficient time to canvass his grievance before the Debts Recovery Appellate Tribunal, as against the



W.P.No.30665 of 2022

WEB COPY

conditional order dated 31.10.2022 passed by the Debts Recovery Tribunal, Coimbatore in I.A.No.4212 of 2022 in S.A.No.992 of 2022, which has been received by the petitioner on 15.11.2022, it is for the petitioner to file an appeal before Debts Recovery Appellate Tribunal before the expiry of limitation period. In view thereof, the writ petition stands dismissed directing the petitioner to avail the effective and alternative remedy of appeal before the Debts Recovery Appellate Tribunal, if he is aggrieved by the aforementioned conditional order. Consequently, W.M.P.No.30100 of 2022 is also dismissed.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

17.11.2022

SS

To

1. The Authorized Officer
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W.P.No.30665 of 2022

WEB COPY

2. The Deputy General Manager

State Bank of India

SAMB Coimbatore (16454)

Raja Plaza, 1st Floor

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3. The Registrar

Debts Recovery Tribunal

2nd and 3rd Floors, Jawan's Bhavan

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WEB COPY



W.P.No.30665 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
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D.KRISHNAKUMAR,J.

SS

W.P.No.30665 of 2022

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