



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P(MD)Nos.1689 and 1690 of 2022

- 1) M/s.Sri Lakshmi Industries.
Prop.M.Gunasekaran
- 2) Thiru.M.Gunasekaran
- 3) Tmt.G.Ganga ... Petitioners in W.P.1689/2022

- 1) M/s.Sri Ganga Engineering,
Prop.Ganga
- 2) Tmt.G.Ganga
- 3) Thiru M.Gunasekaran ... Petitioners in W.P.1690/2022

vs.

The Authorised Officer,
Indian Bank,
Anna Nagar Branch,
Madurai District. ... Respondent in both WPs

Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Presiding Officer, Debts Recovery Tribunal, Coimbatore, to take up the SARFAESI Appeal and to hear the matter emergently in S.A.Nos.12 and 13 / 2022 on the file of the Debts Recovery Tribunal, Madurai, filed by the petitioner as against the possession notice dated 03.12.2021 issued by the Respondent Bank as against their residential property.

For Petitioner : Mr.M.Ponniah

For Respondent : Mr.C.Karthick



COMMON ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

Both the writ petitions are seeking a direction to the Debts Recovery Tribunal, Coimbatore, to take up the SARFAESI Appeal Nos.12 and 13 of 2022 which were filed before the Debts Recovery Tribunal, Madurai.

2. The said appeals were filed against the possession notice dated 03.12.2021 and the petitioners have rightly invoked Section 17 (1) of the SARFAESI Act 2002 and filed SARFAESI Appeals before the Debts Recovery Tribunal, Madurai. Since there is no Presiding Officer, the Mandamus is sought for to give a direction to the Debts Recovery Tribunal, Coimbatore, to take up the above appeals.

3. Mr.C.Karthick, learned counsel who accepts notice for the respondent does not have any serious objection for the same.

4. Accordingly, the Debts Recovery Tribunal, Coimbatore, is directed to take up S.A.Nos.12 and 13 of 2022 which are to be transmitted from the Debts Recovery Tribunal, Madurai, for the hearing on 11.02.2022. The Debts Recovery Tribunal, Madurai, is directed to transmit the above S.A.Nos.12 and 13 of 2022 to the Debts Recovery Tribunal, Coimbatore, before the date of hearing.

5. With the above direction, both the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Authorised Officer,
Indian Bank,
Anna Nagar Branch,
Madurai District.

2.The Debts Recovery Tribunal,Madurai.

3.The Debts Recovery Tribunal,Coimbatore

+2 CC to M/s.M.PONNIAH, Advocate (SR-3254[F] dated 31/01/2022)

W.P(MD)Nos.1689 and 1690 of 2022

DATED : 31.01.2022

MGJ(14.02.2022) 2P 6C

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