



W.P.(MD) No.14576 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.14576 of 2022

S.Mohan

... Petitioner

-Vs-

The Recovery Officer,
The Debts Recovery Tribunal,
Madurai.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the docket order passed by the respondent on 20.03.2018 in I.A.SR.No.2544/2018 and I.A.SR.No.2545/2018 (typed set) in T.A.No.244/2009, quash the same and consequently direct the respondent to incorporate the correct Survey No.1128 as per the parent sale deed, instead of wrong Survey No.418 in the Certificate of Sale of Immovable Property dated 11.01.2007 issued to the petitioner.

Page 1 of 6



W.P.(MD) No.14576 of 2022

WEB COPY

For Petitioner : Mr.L.Shaji Chellan
For Respondent : Mr.K.Ashok Kumar Ram
Standing Counsel

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the order passed by the respondent on 20.03.2018 in I.A.SR.No.2544/2018 and I.A.SR.No.2545/2018 (typed set) in T.A.No.244/2009 and seeking a direction to the respondent to incorporate the correct Survey No.1128 as per the parent sale deed in the Certificate of Sale of Immovable Property dated 11.01.2007, the petitioner has filed this Writ Petition.

2.The grievance of the petitioner is that he is the auction purchaser of the land in Plot No.2 to an extent of 768 sq.ft., in S.No.1128, Bhuvaneshwaripet, 3rd Ward, Gudiyatham Town, Vellore District. However, while issuing a sale certificate in respect of the said property, the Debts Recovery Tribunal, Coimbatore, has wrongly mentioned the survey number in the sale certificate.

Page 2 of 6



W.P.(MD) No.14576 of 2022

WEB COPY

Therefore, the petitioner made an application, seeking rectification before the respondent herein, in March 2018, since the case papers were transferred to the respondent. However, the respondent refused to entertain the application for rectification, stating that the said application will lie only to the authority, who issued the sale certificate. Hence, this Writ Petition.

3.The learned Standing Counsel for the respondent submitted that since the post of Presiding Officer, Debts Recovery Tribunal, Madurai is lying vacant and the Presiding Officer, Debts Recovery Tribunal, Coimbatore has been given in charge for Debts Recovery Tribunal, Madurai, on and from 02.12.2020, the case files of Debts Recovery Tribunal, Madurai are being transferred to the Debts Recovery Tribunal, Coimbatore.

4.Head the learned counsel on either side.

5.In view of the aforesaid submission made by the learned Standing Counsel for the respondent, the petitioner is directed to file the present

Page 3 of 6



W.P.(MD) No.14576 of 2022

WEB COPY

rectification application before the Debts Recovery Tribunal, Coimbatore, within a period of two weeks from today. On such filing, the Debts Recovery Tribunal, Coimbatore, is directed to entertain the same, if it is otherwise in order and pass appropriate orders rectifying the clerical mistakes, if any, within a period of two weeks thereafter.

6. With the above direction, this Writ Petition is disposed of. No costs. The Registry is directed to return the petition in original in I.A.SR.No. 2544/2018 and I.A.SR.No.2545/2018 (typed set) in T.A.No.244/2009 to the learned counsel for the petitioner after getting attesting copies of the same.

[R.M.D., J.] & [J.S.N.P., J.]

18.10.2022

Index : Yes / No

Internet : Yes / No

Myr

Page 4 of 6



W.P.(MD) No.14576 of 2022

WEB COPY

To

The Recovery Officer,

The Debts Recovery Tribunal,

Madurai.



WEB COPY



W.P.(MD) No.14576 of 2022

R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

Myr

W.P.(MD)No.14576 of 2022

18.10.2022

Page 6 of 6