



W.P.(MD)No.14021 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.14021 of 2022

K.G.Manoharan

... Petitioner

Vs.

1.The Registrar,
The Debts Recovery Tribunal, Madurai.

2.The Authorized Officer,
Punjab National Bank, Dr.Thirumalai Plaza,
No.83, New Dharapuram Road, Palani,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to withdraw and transfer the SARAESI application in S.A.No.356 of 2014 on the file of the first respondent to any other Debts Recovery Tribunal and consequently, to permit the petitioner to withdraw the same within a stipulated time as framed by this Court.

For Petitioner :Mr.C.K.M.Appaji

For R2 :Mr.A.Saravanan

for M/s.Vast Law Associates



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ORDER

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(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the first respondent to withdraw and transfer the SARAESI application in S.A.No.356 of 2014 on the file of the first respondent to any other Debts Recovery Tribunal and consequently, to permit the petitioner to withdraw the same within a stipulated time as may be framed by this Court.

2.Heard Mr.C.K.M.Appaji, learned Counsel for the petitioner and Mr..A.Saravanan, learned Counsel, who takes notice on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner and his father were running a joint family business and for the purpose of developing their business, they obtained a loan from the respondent Bank. It is now submitted that the respondent Bank has initiated recovery proceedings under SARFAESI Act. The petitioner, however, availed the benefit of One Time Settlement (OTS) scheme and it is reported that the petitioner has completely discharged the loan. In the meanwhile, the petitioner appears to have



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filed a SARFAESI Application in S.A.No.356 of 2014 before the Debts Recovery Tribunal, Madurai, challenging the sale notice.

4.The learned Counsel for the petitioner states that the respondent Bank has insisted the petitioner to withdraw the SARFAESI Application for enabling them to return the original documents.

5.This Court is of the view that the respondent Bank need not wait till the SARFAESI Application is withdrawn, as the appeal before the Debts Recovery Tribunal is liable to be dismissed as infructuous. In the said circumstances, this Writ Petition is disposed of with the direction to the second respondent to return the original document of title deeds, which were secured from the petitioner while getting the mortgage by way of deposit of title deeds within a period of two weeks from today. No costs.

[S.S.S.R., J.] [S.S.Y., J.]

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Index : Yes / No

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To

The Registrar,
The Debts Recovery Tribunal, Madurai.



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and

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