



W.P.(MD)No.14983 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.07.2022

CORAM

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

W.P.(MD)No.14983 of 2022  
and W.M.P.(MD) No.10721 of 2022

V.Ganeshan

... Petitioner

Vs.

1.Debts Recovery Tribunal – Madurai,  
Rep. by the Registrar,  
III & IV Floor, Kalyani Towers,  
4/162, Madurai-Melur Road,  
(Near Meenakshi Mission Hospital),  
Uthangudi Post, Madurai – 625 107.

2.The Authorized Officer,  
State Bank of India,  
SME Sivakasi Branch,  
No.11, Velayutham Road,  
Sivakasi – 626 123.

... 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.479 of 2019 on the file of the first respondent to any other Debts Recovery Tribunal and consequently, to permit the petitioner to withdraw the



W.P.(MD)No.14983 of 2022

same within a stipulated time as framed by this Court.

WEB COPY

For Petitioner : Mr.V.Veerapandian  
for M/s.Vast Law Associates

For 2<sup>nd</sup> Respondent : Mr.V.Malaiyendran  
Central Government Standing Counsel

\* \* \*

### **ORDER**

(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.479 of 2019 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.V.Veerapandian, learned Counsel for the petitioner and Mr.V.Malaiyendran, learned Central Government Standing Counsel, who takes notice on behalf of the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.14983 of 2022

3. Having regard to the order proposed to be passed

in this writ petition, notice to the respondents 4 to 6 are dispensed with.

4. The petitioner has borrowed loan from the respondent bank. It is reported that the petitioner challenged the possession notice before the Debts Recovery Tribunal, Madurai in S.A.No.479 of 2019. However, it is admitted that the petitioner has discharged the entire loan after availing the benefit of One Time Settlement offer. By proceedings of the respondent Bank, the petitioner has paid a sum of Rs.15,91,000/- on 15.11.2021 and that the bank has given a certificate that the cash credit account has been closed on 18.12.2021 under OTS.

5. It is the grievance of the petitioner that the petitioner's appeal in S.A.No.479 of 2019 before the Debts Recovery Tribunal, Madurai and the withdrawal memo filed by the petitioner is not considered in view of the fact that the Presiding Officer has not assumed Office. In these circumstances, the respondent Bank appears to have insisted the petitioner to withdraw the SARFAESI Application for enabling them to return the original documents.



W.P.(MD)No.14983 of 2022

WEB COPY

6. 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 creating the mortgage by way of deposit of title deeds within a period of two weeks from today. No costs. Consequently, connected Miscellaneous Petition is closed.

**[S.S.S.R., J.]      [S.S.Y., J.]**  
12.07.2022

Index : Yes / No

sj

To

The Registrar,  
Debts Recovery Tribunal – Madurai,  
III & IV Floor, Kalyani Towers,  
4/162, Madurai-Melur Road,  
(Near Meenakshi Mission Hospital),  
Uthangudi Post, Madurai – 625 107.



WEB COPY



W.P.(MD)No.14983 of 2022

**S.S.SUNDAR, J.**

and

**S.SRIMATHY, J.**

sj

W.P(MD)No.14983 of 2022

12.07.2022