



W.P.(MD)No.19931 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2022

CORAM

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

W.P.(MD)No.19931 of 2022

Tamilnad Mercantile Bank Limited,
Kulithalai Branch,
Represented by the
Chief Manager/Authorised Officer, A Raja,
Having Office at: Tiruchirapalli Regional Office,
PL.A.Kanagu Towers, 2nd Floor,
11th Cross Thillai Nagar,
Tiruchirapalli – 620 018.

... Petitioner

Vs.

The Learned Chief Judicial Magistrate,
Tiruchirapalli,
Tiruchirapalli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records related to the Impugned Docket order passed by the Respondent, Learned Chief Judicial Magistrate, Tiruchirapalli, Tiruchirapalli District dated 09.03.2021, 22.03.2021, 31.01.2022 & 17.06.2022 in Crl.M.P. Filing No.3446 of 2021 in CNR No.TNTP030034562021 and quash the same and consequently direct the Learned Chief Judicial Magistrate, Tiruchirapalli, Tiruchirapalli District to take Crl.M.P. Filing No.3446 of 2021 in



W.P.(MD)No.19931 of 2022

CNR No.TNTP030034562021 on file and pass final orders within a time frame to be determined by this Hon'ble Court.

For Petitioner : Mr.N.Dilip Kumar

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ORDER

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

As against the Docket order passed by the Respondent, Learned Chief Judicial Magistrate, Tiruchirapalli, Tiruchirapalli District, dated 09.03.2021, 22.03.2021, 31.01.2022 & 17.06.2022 in the application filed by the petitioner – bank under Section 14 of SARFAESI Act in Crl.M.P. Filing No.3446 of 2021 in CNR No.TNTP030034562021, the above writ petition has been filed.

2. Heard Mr.N.Dilip Kumar, learned counsel for the petitioner.

3. The petitioner – bank appears to have filed a petition under Section 14 of SARFAESI Act. It is stated that the secured asset has been sold and the sale was confirmed in favour of



W.P.(MD)No.19931 of 2022

a third party purchaser. Only for seeking assistance to take possession of the Secured Asset, the above petition has been filed.

The said petition was originally returned on 22.03.2021 and when it was represented, it was again returned on 31.01.2022, stating that the defects pointed out earlier were not rectified. After rectifying the defects, the petition was resubmitted. Again it was returned with the following endorsement:

"17.06.2022

1. Authorized name mentioned in this main petition.
2. Respondent Age to be mentioned in the main petition.
3. Item No.1, 2, 3 Batta number to be mentioned in this main petition.
4. 13(2) notice served to be filed R1."

4. The fact that the petitioner has filed the petition by furnishing all the particulars under Section 14 of SARFAESI Act is seen from records. The first respondent in the application is a partnership firm represented by several persons. The identifications of the persons are not in issue. The petitioner has already given the name of the Authorized Officer, as per the submissions of learned counsel for the petitioner. Similarly, the petitioner has also



W.P.(MD)No.19931 of 2022

furnished the age of the respondents in the application. The notice is also found with important documents along with the petition. For these reasons, this Court is unable to sustain the return endorsement of learned Chief Judicial Magistrate, Tiruchirapalli.

5. In view of the above, the Writ Petition is allowed and the petitioner is directed to represent the petition with the name of the Authorized Officer and learned Chief Judicial Magistrate, Tiruchirapalli is directed to number the petition and dispose of the same after usual formalities within a period of three months from the date of receipt of a copy of this order. Registry is directed to return the original petition forthwith to enable the petitioner to represent the same before learned Chief Judicial Magistrate, Tiruchirapalli. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
26.08.2022

Index : Yes / No
sj

To

The Chief Judicial Magistrate,
Tiruchirapalli.



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W.P.(MD)No.19931 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

W.P(MD)No.19931 of 2022

26.08.2022