



W.P.(MD) No.22943 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22943 of 2022

and

W.M.P.(MD)No.17047 of 2022

S.Sudhagar Selvaraj

... Petitioner

-Vs-

1.The Debts Recovery Tribunal,
IV Floor, Kalyani Tower,
Melur Road, Madurai.

2.A.B.Buvaneshwari

3.Mukesh Kumar

4.P.Jalaram

5.The District Collector,
Tiruchirapalli,
Tiruchirapalli District.

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6.The Tahsildar,
Tiruchirapalli East,
Tiruchirapalli.

7.The Authorised Officer,
Lakshmi Vilas Bank,
Thillai Nagar Branch,
No.C-97, Fort Station Road,
5th Cross (West), Thillai Nagar,
Tiruchirapalli – 620 018.

8.The Branch Manager,
Lakshmi Vilas Bank,
Thillai Nagar Branch,
No.C-97, Fort Station Road,
5th Cross (West), Thillai Nagar,
Tiruchirapalli – 620 018.

9.A.S.Jagadish

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass final order in pending S.A.No.532 of 2019 within the time frame fixed by this Court.

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For Petitioner : Ms.AL.Gandhimathi
For R1, R5 & R6 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R7 & R8 : Mr.S.I.Muthiah

ORDER

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

This Writ Petition has been filed, seeking for a direction to the 1st respondent to pass final order in the pending S.A.No. 532 of 2019, before the Debts Recovery Tribunal, Madurai.

2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1, 5 and 6 and Mr.S.I.Muthiah, learned counsel takes notice for the respondents 7 and 8. Considering the nature of the order proposed to be passed, notice to the respondents 2, 3, 4 and 9 is dispensed with.



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3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The case of the petitioner is that the 7th respondent conducted an auction on 25.03.2019, where the petitioner was declared as a successful bidder and a sale certificate was also issued in his favour. Thereafter, the 7th respondent has filed an application before the 5th respondent, for taking physical possession of the property in question and the same was allowed on 01.10.2019. Aggrieved by the same, the respondents 2 to 4 filed an application in S.A.No.532 of 2019 before the 1st respondent / Debts Recovery Tribunal, Madurai. The grievance of the petitioner is that though in S.A.No.532 of 2019 the arguments on either side were heard, no order has been passed so far. Hence, this Writ Petition.

5.Today, when the matter was taken up for hearing, the learned Additional Government Pleader, who takes notice for the respondents 1, 5 and 6, submitted that S.A.No.532 of 2019 is reserved for judgment. He further

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submitted that since the 1st respondent Forum is functioning once in a week, sufficient time be fixed for disposal of the said S.A.No.532 of 2019.

6.Recording the above submission and considering the factual matrix, the 1st respondent is directed to pass orders in S.A.No.532 of 2019, within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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

29.09.2022

Index : Yes / No

Internet : Yes / No

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To:

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IV Floor, Kalyani Tower,
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2.The District Collector,
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