



W.P.(MD) No.23766 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.23766 of 2022

Canara Bank,
Melur Branch,
Represented by its Chief Manager,
No.12, Thooveypuram Main Road,
Tuticorin – 628 002.

... Petitioner

-VS-

- 1.The Debts Recovery Tribunal,
No.4/162, Kalyani Towers,
Madurai – Melur Main Road,
Uthangudi, Madurai – 625 107.
- 2.The Debts Recovery Tribunal-II,
6th Floor, Additional Office Buildings,
Shastri Bhawan, Haddows Road,
Chennai – 600 006.

... Respondents



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WEB CONTENT

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to take up the petition filed in IA. SR.No.3804/2021 to 3806/2021 in T.A.No.555/2007 before the 1st respondent and order for return of original documents to the petitioner Bank and dispose the above interlocutory applications within a time frame fixed by this Court.

For Petitioner : Mr.R.Anandharaj
For Respondents : Mr.V.Malaiyendran
Central Government Standing Counsel

ORDER

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

Mr.V.Malaiyendran, learned Central Government Standing Counsel takes notice for the respondents.

2. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.



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3. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st Respondent to take up the petitions in IA. SR.Nos.3804/2021 to 3806/2021 in T.A.No.555/2007 filed for return of the original documents to the petitioner Bank on file and dispose of the same within a time frame.

4. It is the case of the petitioner that the petitioner Bank originally filed an application in O.A.No.1506 of 1998 before the Debts Recovery Tribunal, Chennai, for recovery of the loan amount of Rs.30,00,158.28/- and the same was subsequently transferred to the 2nd respondent and renumbered as O.A.No.127 of 2005. Thereafter, the said OA has been transferred to the first respondent and renumbered as T.A.No.555 of 2007. Thereafter, the petitioner Bank has settled the claim under OTS for a sum of Rs.40,00,000/-. According to the petitioner, the original documents of the secured property are with the first respondent. Hence, after the OTS settlement, the petitioner Bank filed applications for recording SOC and return of documents in I.A.SR.Nos.3804 to 3806 of 2021 before the first respondent. However, till date, the first respondent has not taken up the said petitions on file and ordered for return of the original documents. Hence, the petitioner has filed this Writ Petition.



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5. The learned Central Government Standing Counsel, who takes notice for the respondents submitted that the first respondent will take up the petitions in I.A.SR.Nos.3804 to 3806 of 2021 in T.A.No.555/2007 filed by the petitioner bank, on file and dispose of the same within a time frame.

6. Recording the above submissions and considering the limited scope of the prayer, the first respondent is directed to take up the petitions filed by the petitioner in IA. SR.Nos.3804/2021 to 3806/2021 in T.A.No.555/2007 on file and pass appropriate orders on merits and in accordance with law, after giving sufficient opportunity to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]
14.10.2022

Index : Yes / No
Internet : Yes / No
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