



W.P.(MD) Nos.24356 and 24381 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)Nos.24356 and 24381 of 2022

and

W.M.P.(MD)No.18454 and 18476 of 2022

1.A.Sikkandar Badhusha
2.Sajitha Parveen
3.Dowlathunnisha

... Petitioners
(in both W.Ps)

-Vs-

The Authorised Officer,
HDB Financial Service Ltd.,
No.50, VRM Complex 2nd Floor,
Vasanthanagar, Andalpuram,
Madurai.

... Respondent
(in both W.Ps)

PRAYER in W.P(MD) No.24356 of 2022: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records

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relating to the impugned order passed by the Chief Judicial Magistrate, Madurai in his order in Cr.M.P. No.1218/2022 dated 10.10.2022 and quash the same as illegal.

PRAYER in W.P(MD) No.24381 of 2022: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the Chief Judicial Magistrate Sivagangai in his Order in Cr.M.P.No.6969/2022 dated 14.10.2022 and quash the same as illegal.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for Mr.E.Mohammed Abbas
(in both W.Ps)

For Respondents : Mr.M.Kannan (in both W.Ps)

COMMON ORDER

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

The petitioners have come forward with these writ petitions, challenging the order passed by the learned Chief Judicial Magistrate, Madurai, in Cr.M.P. No.1218 of 2022, dated 10.10.2022, and the order passed by the learned Chief Judicial Magistrate, Sivagangai, in Cr.M.P.No.6969 of 2022 dated 14.10.2022, respectively.

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2.Today, when the writ petition was taken up for hearing, learned counsel for the petitioners submitted that as against the impugned possession orders, the petitioners are inclined to prefer appeal along with stay application before the Debts Recovery Tribunal, Madurai and therefore, it is suffice if a direction is issued permitting the petitioners to file such appeal with a further direction to the Debts Recovery Tribunal, Madurai, to dispose of the same within a time frame, for which, learned counsel for the respondent – Bank is agreeable.

3. In view of the limited relief sought for, the petitioners are directed to file appeal along with stay application, before the Debts Recovery Tribunal, Madurai, within a period of four weeks from today and on such filing, the Debts Recovery Tribunal, Madurai, is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of two weeks thereafter. Till the stay application is disposed of by the Debts Recovery Tribunal, the respondent shall not take any coercive steps against the petitioners.



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4. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

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Index : Yes / No

Internet : Yes / No

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