



W.P.(MD) No.25609 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.25609 of 2022

and

W.M.P.(MD) No.19703 of 2022

1.M/s.Kannan Wood Works
Proprietor. C.Kannan
S/o.Chinnasamy
Door No.3/32A, Nadukottai
Thirumangalam
Madurai District

2.C.Kannan

... Petitioners

-vs-

1.M/s.Tamil Nadu Mercantile Bank Ltd.,
through its Authorized Officer /
Assistant General Manager D.Sivakumar
S/o.P.Dharma Rajan
D.No.308, 1st Floor
Madurai Road, Thirumangalam

2.M.Santha

3.C.Vellaichamy

4.K.Eswari

... Respondents



WEB COPY

W.P.(MD) No.25609 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned order dated 13.10.2022, passed by the Chief Judicial Magistrate, Madurai, in Cr.M.P.No.1523 of 2022, under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for taking possession of the second petitioner immovable residential properties on 10.11.2022 is situated in Plot No.6, Door No.3/32A & 3/32B bearing Survey No.29/3, Nadukkottai Village, Thirumangalam Taluk, Madurai District, without following any due process of law.

For Petitioners : Ms.N.Juliet Latha

For Respondents : Mr.Pethu Rajesh
Standing Counsel for R1
Mr.J.Baradhan for R2
No appearance for R3 & R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenge in this writ petition is to the order dated 13.10.2022, passed in Cr.M.P.No.1523 of 2022, by the learned Chief Judicial Magistrate, Madurai.



W.P.(MD) No.25609 of 2022

WEB COPY

2. The prime contention of the learned counsel for the petitioners is that the respondent – Bank has undervalued the secured asset, brought it for sale and sold the same to the auction purchaser.

3. Today, when the matter was taken up for hearing, learned Standing Counsel appearing for the respondent – Bank, on instructions, submitted that the petitioners have already filed S.A.No.326 of 2022, before the Debts Recovery Tribunal, Madurai, challenging the sale notice dated 10.01.2022 and the same is pending consideration till date. Therefore, necessary direction may be given to the Debts Recovery Tribunal to dispose of the pending S.A.No.326 of 2022 as expeditiously as possible.

4. In view of the above submission of the learned Standing Counsel appearing for the respondent – Bank, we direct the Presiding Officer, Debts Recovery Tribunal, Coimbatore, who is in charge of the Debts Recovery Tribunal, Madurai, to dispose of S.A.No.326 of 2022, within a period of eight weeks from the date of receipt of a copy of this order. If the petitioners require any interim order, it is open to them to file interlocutory application in the pending S.A.No.326 of 2022 and the same may be considered by the Debts Recovery Tribunal, in accordance with law.



WEB COPY

W.P.(MD) No.25609 of 2022

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

12.12.2022

Index : Yes / No

Internet : Yes / No

Note to Office : Mark a copy of this order to the Presiding Officer, Debts Recovery Tribunal, Coimbatore.

krk

To:
The Chief Judicial Magistrate,
Madurai.



WEB COPY



W.P.(MD) No.25609 of 2022

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

krk

W.P.(MD) No.25609 of 2022
and
W.M.P.(MD) No.19703 of 2022

12.12.2022