



W.P(MD)No.25796 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM:

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

**W.P(MD)No.25796 of 2022
and
W.M.P(MD)Nos.19933 & 19934 of 2022**

T.Senthilkumar

... Petitioner

VS.

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

2.The Authorised Officer,
Indian Bank, SAM Small Branch,
100-101, East Avani Moola Street,
Madurai – 625 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned return endorsement of the first respondent, dated 04.11.2022 made in S.A.SR.No.5481 of 2022 and quash the same and consequently, direct the first respondent to number S.A.SR.No.5481 of 2022 and hear the same on merits and in accordance with law.

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For Petitioner : Mr.S.Xavier Rajini

For R - 2 : Mr.Pala.Ramasamy

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the impugned return endorsement passed by the first respondent in S.A.SR.No.5481 of 2022, dated 04.11.2022, the petitioner has filed the present Writ Petition.

2.Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner already approached the second respondent / Bank to furnish the copy of the 13(2) demand notice, dated 14.03.2019, however, till date, it has not been issued. Thus, he submitted that it is suffice, if a direction is issued to the second respondent to issue copy of the demand notice issued under Section 13(2) of the Act.



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3.In view of the above, the petitioner is directed to approach the second respondent / Bank to furnish a copy of the 13(2) demand notice, dated 14.03.2019, within a period of one week from the date of receipt of a copy of this order. On doing so, the second respondent is directed to issue 13(2) demand notice, as early as possible.

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

[R.M.D.,J.] & [J.S.N.P.,J.]
15.11.2022

Index : Yes / No

Internet : Yes

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To

- 1.The Registrar,
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Madurai.
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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
W.P(MD)No.25796 of 2022**

15.11.2022