



W.P.No.3741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3741 of 2023

K.S.Thirugnanasamandam

.. Petitioner

Vs

1. The Authorized Officer
Bank of Baroda
Regional Stressed Assets Recovery Branch
(ROSARB), No.82, Bank Road, 1st Floor
Coimbatore – 641 018.

2. Krishnaveni

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the DRT to take into consideration that Section 31(i) of SARFAESI Act, which exempts the Agricultural Lands from the SARFAESI proceedings, and speedily dispose of the applications filed in S.A.Nos.339 of 2017, 964 of 2022 and I.A.Nos.6171, 6172, 6173 of 2022 in NDN/2987/2022(SA) on the file of the Debts Recovery Tribunal, Coimbatore within the time frame to be fixed by this Court and accordingly direct the first respondent to return the Original Mortgaged Documents and excess OTS amount paid by the petitioner.



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For the Petitioner : Mr.D.Selvam
for M/s.P.Nethaji

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

The prayer in the writ petition reads thus:

"For the reasons stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to issue a Writ Order or Direction more so in the nature of a Writ of Mandamus directing the DRT taken into consideration that the Section 31(i) of SARFAESI Act, which exempts the Agricultural Lands from the SARFAESI proceedings and seeking for speedy disposal of the applications filed in S.A.Nos.339 of 2017, 964 of 2022 & I.A.Nos.6171, 6172, 6173 of 2022 in NDN/2987/2022(SA) on the file of the Debts Recovery Tribunal, Coimbatore within the time frame to be fixed by this Hon'ble Court and accordingly direct the 1st respondent to return the Original Mortgaged Documents & excess OTS amount paid by the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper and thus render justice."



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2. The petitioner has already filed S.A.No.339 of 2017 to consider his case under Section 31(i) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, which exempts the agricultural lands from SARFAESI proceedings, and, subsequently, challenging the sale notice dated 29.9.2022, he had also filed S.A.No.964 of 2022 before the Debts Recovery Tribunal, Coimbatore. Therefore, without going into the merits and demerits of S.A.Nos.339 of 2017 and 964 of 2022, we hereby direct the Debts Recovery Tribunal, Coimbatore, to dispose of S.A.Nos.339 of 2017 and 964 of 2022 pending on its file, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

3. With the above direction, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.3816 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
09.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

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