



WEB COPY



W.P.No.7524 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7524 of 2023

K.Karthikeyan

.. Petitioner

Vs

1.The Registrar,
Debt Recovery Appellate Tribunal,
7, Shastri Bhavan New Annexe,
Haddows Road, Nungambakkam,
Chennai – 600 006.

2.The Authorised Officer,
State Bank of India
Kethanur Brnach,
Kethanur, Udumalpet Main Road,
Palladam Taluk,
Tirupur District.

3.P.Krishnan

4.M.Dhanalakshmi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to dispose of the appeal in RA (SA) No.42/2019 pending on its file at the earliest point of time.



W.P.No.7524 of 2023

For the Petitioner

: Mr.J.Pothiraj
for Mr.M.Jaurudeen

ORDER

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

K.Karthikeyan, son of Kanaga Sundaram, a resident of Saavadipalayam, Kethanur, has filed this writ petition seeking issuance of a writ of mandamus directing the first respondent to dispose of the appeal in RA (SA) No.42/2019 pending on its file at the earliest.

2. Mr.J.Pothiraj, learned counsel appearing on behalf of the petitioner, who is the auction-purchaser, submitted that the challenge made by the third respondent/borrower to the e-auction sale held on 12.10.2017 was rejected on the ground that there was a delay of 9 days in filing the application. Assailing the said, the third respondent/borrower filed SA.SR.No.9742 of 2017 before the Debts Recovery Tribunal, Coimbatore, under Rule 5(5) of the Debts Recovery Tribunal (Procedure) Rules, 1993. By order dated



W.P.No.7524 of 2023

29.12.2017, the said appeal was rejected by the Debts Recovery Tribunal, Coimbatore. Challenging the same, the third respondent/borrower filed RA (SA) No.42 of 2019 before the Debt Recovery Appellate Tribunal, Chennai, under Section 22(2)(h) of the Recovery of Debts and Bankruptcy Act, 1993. It is submitted that, in view of the pendency of the appeal, the petitioner is unable to take possession of the property purchased by him in the e-auction after making full payment.

3. Learned counsel for the petitioner further submitted that several oral requests made before the Debt Recovery Appellate Tribunal seeking speedy disposal of the appeal, did not yield any response and, therefore, the petitioner has been advised to file this writ petition.

4. In the case on hand, R.A.(SA) No.42 of 2019 was filed by the third respondent/borrower against the order dated 29.12.2017 passed in SA.SR.No.9742 of 2017 by the Debts Recovery Tribunal, Coimbatore. The appeal was preferred by the third respondent



W.P.No.7524 of 2023

during November, 2019 before the Debt Recovery Appellate Tribunal, Chennai. However, till date the appeal has not been disposed of even though the petitioner filed his written arguments in November, 2019 itself. This court is of the view that the matter cannot be kept pending indefinitely by the Appellate Tribunal.

Considering the fact that the appeal is pending since 2019, we dispose of the writ petition with a direction to the Debt Recovery Appellate Tribunal, Chennai, to dispose of RA (SA) No.42 of 2019 pending on its file within one month from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, W.M.P.No.7625 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
13.03.2023

Index : No
Neutral Citation : No
sasi



W.P.No.7524 of 2023

To:

- 1.The Registrar,
Debt Recovery Appellate Tribunal,
7, Shastri Bhavan New Annexe,
Haddows Road, Nungambakkam,
Chennai – 600 006.

- 2.The Authorised Officer,
State Bank of India
Kethanur Branch,
Kethanur, Udumalpet Main Road,
Palladam Taluk,
Tirupur District.



WEB COPY



W.P.No.7524 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

W.P.No.7524 of 2023

13.03.2023