



WP No.9465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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G.Vijayalakshmi

... Petitioner

versus

1.The Authorised Officer
Equitas Small Finance Bank Ltd.
No.14B, Kamalalayam Melkarai
Near by Lakshna Hospital
Tiruvvarur-610 001.

2.J.Ayyappan

3.The Presiding Officer
Debts Recovery Tribunal III
Sasthri Bhavan, Chennai

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India
praying for a Writ of Mandamus directing the learned Presiding Officer
to dispose of the S.A.(SR) No.2409 of 2020.

For the Petitioner : Mr.S.Giridharan



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ORDER

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(Made by the Hon'ble Acting Chief Justice)

G.Vijayalakshmi, wife of late Thiru.S.Gunasekaran, a resident of Pathiniyapuram, Nannilam Taluk, Tiruvarur District, has filed this writ petition seeking a writ of mandamus directing learned Presiding Officer, Debts Recovery Tribunal-III, Chennai, to dispose of S.A.(SR) No.2409 of 2020, expeditiously.

2. According to the petitioner, her husband availed a loan of Rs.11,00,000/- (Rupees Eleven Lakhs only) from the first respondent, on 13.05.2014, for running saw mill business. The deceased was paying EMI regularly to the first respondent up to the year 2016. Due to the sudden death of the borrower, business crippled and the repayment became irregular. The first respondent took action as per the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002'). According to the petitioner, notices said to have been issued under Sections 13(2) and 13(4) of the Act of 2002 were not served on her. The first respondent issued sale notice dated 08.06.2020,



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mentioning that a sum of Rs.15.71 lakh is payable by the borrower. Therefore, challenging the said notice, a Sarfaesi Application was filed in S.A.(SR) No.2409 of 2020, before the Debts Recovery Tribunal-III, Chennai, (for short, 'the Tribunal') on the grounds that the petitioner was not furnished with the statement of accounts and even the fresh valuation report has not been given. The Tribunal has directed the petitioner to pay the entire amount of Rs.16 lakh, although the sale notice has mentioned only Rs.15.71 lakh as the amount due. Accordingly, the petitioner has paid a sum of Rs.16 lakh. Still, the matter has not been taken up for final disposal.

3. The petitioner apprehends coercive steps since the auction-purchaser has proceeded further to effect the sale of the property during the pendency of the matter before the Tribunal. Therefore, the writ petition has been filed seeking a direction upon the Tribunal to expeditiously dispose of the pending Sarfaesi application.

4. We also find merits on the submissions made by learned counsel for the petitioner. According to the petitioner, vide order dated 02.02.2021, the Tribunal had directed the petitioner to cause fixed



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deposit for a sum of Rs.16 lakh to prove her bona fides. Accordingly, the petitioner has deposited a sum of Rs.16 lakh, and the Tribunal has also recorded the same in its order dated 18.02.2021. Learned counsel for the petitioner submits that pleadings are also complete in the matter. That being so, we do not find any reason why the matter should be kept pending by the Tribunal.

5. The writ petition is disposed of by directing the Debts Recovery Tribunal-III, Chennai, to consider and dispose of the pending S.A.(SR) No.2409 of 2020, on merits and as per law, within a period of two weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
29.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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To
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The Presiding Officer,
Debts Recovery Tribunal III,
Sasthri Bhavan,
Chennai.



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

(tar)

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