



W.P.No.11011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11011 of 2023

S.S.Murugesan

.. Petitioner

Vs

1. The Tahsildar
Mohanoor Road
Namakkal Taluk and District.

2. The Bank of Baroda
Namakkal Branch
Paramathi Road
Namakkal District
rep. by its Manager.

3. Sekar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to forbear respondents 1 and 2 from transferring patta in favour of the third respondent with respect to the petitioner's properties situated at Thanathampatti in S.Nos.120/4, 120/2B, 122/4, 120/3 and Navani Village in S.Nos.731/3A, 732/3, Namakkal Taluk and District or interfering with the petitioner's possession and enjoyment of the said property till the disposal of the set aside petition filed by the petitioner before the Debts Recovery Tribunal, Coimbatore.

For the Petitioner : Mr.S.Muthukrishnan



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For the Respondents : Mr.P.Muthukumar
State Government Pleader
for 1st respondent

ORDER

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

S.S.Murugesan, son of Sengoda Gounder, has filed this writ petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to forbear respondents 1 and 2 from transferring patta in favour of the third respondent with respect to the petitioner's properties situated at Thanathampatti in S.Nos.120/4, 120/2B, 122/4, 120/3 and Navani Village in S.Nos.731/3A, 732/3, Namakkal Taluk and District or interfering with the petitioner's possession and enjoyment of the said property till the disposal of the set aside petition filed by the petitioner before the Debts Recovery Tribunal, Coimbatore.

2. Mr.S.Muthukrishnan, learned counsel for the petitioner, would submit that the petitioner borrowed a sum of Rs.77 lakh from the second respondent/bank and repaid a sum of Rs.66 lakh, however, for reasons beyond his control, the petitioner defaulted in



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repayment of some installments. The second respondent/bank declared the account of the petitioner as a "non performing asset" and filed O.A.No.315 of 2011 for recovery of a sum of Rs.88,05,951/- before the Debts Recovery Tribunal, Madurai. An ex parte order was passed by the Debts Recovery Tribunal. Even during the pendency of I.A.No.922 of 2015 filed by the petitioner to set aside the ex parte order, the second respondent conducted e-auction and the third respondent, who offered Rs.60,40,000/-, was declared successful bidder. The petitioner filed an application before the Debts Recovery Tribunal-II, Coimbatore seeking to set aside the sale conducted by the second respondent/bank. Apprehending that during the pendency of the application before the Debts Recovery Tribunal, Coimbatore, the first respondent may transfer patta in favour of the third respondent, the present writ petition has been filed.

3. Considering the submission made by learned counsel appearing for the petitioner that the petitioner has already filed an application for stay and the matter has been seized of by the Debts



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Recovery Tribunal, Coimbatore, we hereby direct the Debts Recovery Tribunal, Coimbatore, to take up the pending application for stay and dispose of the same on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order. Till the disposal of the stay application, the parties are directed to maintain status-quo.

The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.No.10900 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
12.04.2023

Index : No
Neutral Citation : No
sasi

To:

1. The Tahsildar
Mohanoor Road
Namakkal Taluk and District.
2. The Manager
Bank of Baroda
Namakkal Branch
Paramathi Road
Namakkal District
3. The Registrar
Debts Recovery Tribunal
Coimbatore.



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

(sasi)

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