



W.P.No.21669 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.21669 of 2021

T.Murugan

.. Petitioner

Vs

1.The Debt Recovery Appellate Tribunal (DRAT),
7th Floor, Additional Office Building,
Shastri Bhawan, Haddows Road,
Chennai – 600 006.

2.M.Banumoorthy

3.M/s.Blue Jagers Estates Limited,
Office at No.9, Ground Floor,
II Street, Dr.Thirumurthy Nagar,
Chennai-600 018.

4.C.N.Embar

5.A.S.Ramanujam

6.V.Balasubramanian

7.D.Ravi

8.P.Tamilselvi



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9.Indian Bank,
ARM Branch,
No.55, Ethiraj Salai,
Chennai – 600 008.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent Appellate Tribunal to take up the appeal filed in AIR:92/2019 pending on the file of the Debt Recovery Appellate Tribunal (DRAT), Chennai for hearing and to decide the stay application within the stipulated time fixed by this Court.

For the Petitioner : Mr.I.Hudson Samuel

For the Respondents : Mr.A.V.Arun
assisted by Mr.A.Aruneshe
for respondent No.2

R1 – Tribunal

RR3,4&7 – Not Ready Notice

R5 – Deceased

RR6,8&9 – No Appearance

ORDER

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

We have heard learned counsel for the petitioner and learned counsel for the second respondent.



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2. Learned counsel for the petitioner submits that the petitioner had filed an appeal before the Debt Recovery Appellate Tribunal, Chennai. However, as the Chairperson was not available, the present writ petition was filed for direction. Now the Chairperson of the Debt Recovery Appellate Tribunal is available and functioning.

3. In view of that, the petitioner may prosecute his appeal filed before the Debt Recovery Appellate Tribunal, Chennai. The Debt Recovery Appellate Tribunal may consider the appeal of the petitioner on its own merits and in accordance with law. Considering the pendency of the matter, the Debt Recovery Appellate Tribunal, Chennai, may consider the request of the petitioner for expeditious hearing of the appeal. The interim order passed by this Court is continued till the application for stay filed by the petitioner is decided by the Debt Recovery Appellate Tribunal, Chennai.



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4. With these observations, the writ petition is disposed of.

There will be no order as to costs. Consequently, W.M.P.No.22845 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

03.08.2023

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

1.The Debt Recovery Appellate Tribunal (DRAT),
7th Floor, Additional Office Building,
Shastri Bhawan, Haddows Road,
Chennai – 600 006.

2.Indian Bank,
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Chennai – 600 008.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKE SAVALU, J.

bbr

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