



W.P.No.25575 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM :

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

AND

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

W.P.No.25575 of 2023

S.S.Murugesan

Vs.

.. Petitioner

1. The Recovery Officer
Debts Recovery Tribunal
2nd and 3rd Floor, Jawans Bahvan
27-T.B.Road, Coimbatore 641 018.
2. The Bank of Baroda
Namakkal Branch
Paramathi Road, Namakkal District
Rep. by its Manager.
3. Sekar
4. The District Collector
Namakkal.
5. The Superintendent of Police
Namakkal.
6. The Tahsildar
Mohanoor Road
Namakkal Taluk & District.



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7. S.Durairaj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the respondents from taking any action against the petitioner's property in pursuance of the order passed by the first respondent in Petition No.19/2023 on 28.06.2023 till the disposal of his Appeal Dairy No.936/2023 pending on the file of Presiding Officer, DRT-Coimbatore as per the order passed by this Hon'ble Court in W.P.No.22379/2023 on 27.07.2023.

For the Petitioner : Mr.S.Muthukrishnan

For the Respondents : Mr.Saravanan
For M/s. Sampathkumar
Associates
for Respondent-2

Mr.S.Senthil
for Respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Muthukrishnan, learned counsel for the petitioner, Mr.Saravanan, learned counsel for the second respondent and Mr.S.Senthil, learned counsel for the third respondent.

2. Learned counsel for the petitioner, on instructions, submits that possession is taken by the respondents and that the prayer has



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become infructuous.

3. In view of that, the writ petition stands dismissed.

4. Learned counsel for the petitioner submits that the Debt Recovery Appellate Tribunal has passed an order for refund of the pre-deposit amount. But, because of the procedural hassles, the same is not refunded.

5. The petitioner may make an application to the Debt Recovery Appellate Tribunal for refund of the pre-deposit amount and the Debt Recovery Appellate Tribunal may consider the same and pass orders.

The writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.24971 of 2023 is also dismissed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
kpl

To

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

(kpl)

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