



WEB COPY



W.P.No.29134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29134 of 2023

S.Padmavathi

.. Petitioner

Vs.

1. The Presiding Officer
Debts Recovery Tribunal III Chennai
Additional Office Buildings, 7th Floor
Shastri Bhavan, Egmore
Chennai 600 008.

2. The Authorised Officer
Union Bank of India
Kolathur Branch
J.S.Shalini Commercial Complex
No.1, United Colony Main Road
Kolathur, Chennai 600 099.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the impugned order passed by the first respondent in S.A.No.28 of 2023 dated 03.07.2023 on the file of the Hon'ble DRT III Chennai, quash the



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same and restore the S.A.No.28 of 2023 on its files to decide the same on merits.

For the Petitioner : Mr.G.Ilamurugu

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.Ilamurugu, learned counsel for the petitioner.

2. The petitioner has filed a Securitisation Application challenging the possession notice dated 17.11.2022 issued by the respondent bank for recovery of Rs.21,89,635/-. In the said proceedings, a memo is filed by the bank submitting therein that the bank may be permitted to withdraw the SARFAESI proceedings, as the loan account of the applicant (the present petitioner) has been regularised. In view of the said memo, S.A. is disposed of as infructuous as the respondent bank has withdrawn the SARFAESI action.

3. Learned counsel for the petitioner submits that the petitioner has cleared the loan amount to the extent of 90%.



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4. If the petitioner clears the entire loan amount, then, the petitioner is entitled to the return of the documents. In case, the petitioner clears the entire loan amount and still the documents are not released, then, the petitioner may agitate the same.

5. The writ petition is disposed of. Consequently, W.M.P.No.28747 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

09.10.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Registrar
Debts Recovery Tribunal III Chennai
Additional Office Buildings, 7th Floor
Shastri Bhavan, Egmore, Chennai 600 008.

2. The Authorised Officer
Union Bank of India
Kolathur Branch, J.S.Shalini Commercial Complex
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

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