



W.P.No.31113 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM :

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

AND

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

W.P.No.31113 of 2022

1. S.Sivaperumal

2. Marayee

.. Petitioners

Vs.

1. The Chief Manager  
State Bank of India  
Attur Branch, Attur  
Salem District.

2. The Recovery Officer – II  
Debts Recovery Tribunal  
Coimbatore.

3. The Registrar  
Debts Recovery Appellate Tribunal  
Chennai.

4. V.Saravanan

5. T.M.Saravana Kumar

6. S.Muthu Krishnan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the third respondent in respect of the order passed in I.A.No.405 of 2022 in M.A.No.33 of 2022 dated 26.10.2022 and quash the same.



W.P.No.31113 of 2022

WEB COPY

For the Petitioners : Mr.N.Suresh

For the Respondents : Mr.M.L.Ganesh  
for R1

R2 & R3 – Tribunals

Mr.Srinath Sridevan  
Senior Counsel  
for Mr.S.Rajmakesh  
for R4 to R6

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.N.Suresh, learned counsel for the petitioners;  
Mr.M.L.Ganesh, learned counsel for respondent 1 and Mr.Srinath  
Sridevan, learned Senior Counsel appearing for Mr.S.Rajmakesh,  
learned counsel for respondents 4 to 6.

2. The petitioners have approached this Court against the order passed by the Debts Recovery Appellate Tribunal, rejecting the application for stay, pending the appeal filed by the petitioners against the order passed by the Debts Recovery Tribunal, rejecting the application to set aside the *ex parte* order.



W.P.No.31113 of 2022

WEB COPY

3. It appears from the contention of the respective parties that the auction sale was confirmed by the Recovery Officer and the present petitioners filed an appeal before the Presiding Officer, Debts Recovery Tribunal, against the order of the Recovery Officer and the same is pending.

4.1. One of the contentions of the learned counsel for the petitioners is that the petitioners have deposited a sum of Rs.1,51,00,000/- with the Debts Recovery Tribunal. They had also kept the demand draft ready with interest amount of Rs.4,20,000/-, but the same is not accepted by the Bank.

4.2. Learned counsel further submits that the appeal before the Debts Recovery Appellate Tribunal is kept on 19.10.2023, whereas the appeal filed before the Debts Recovery Tribunal against the order of the Recovery Officer is also pending.



W.P.No.31113 of 2022

WEB COPY

5. As far as the stay of the possession is concerned, the same would be the subject matter before the Presiding Officer, Debts Recovery Tribunal in the appeal filed by the petitioners against the order of the Recovery Officer confirming the sale. The petitioners may seek necessary relief, as may be permissible under law, before the Debts Recovery Tribunal, where the appeal is filed.

6. So as to enable the petitioners to file necessary application and seek necessary orders, we continue the interim order passed by this Court for a period of fifteen days from today (i.e., from 25.08.2023). It is needless to mention that on lapse of the said fifteen days, the protection granted by this Court shall come to an end and the parties will be governed by the orders passed by the Presiding Officer, Debts Recovery Tribunal on the application/appeal filed by the present petitioners.



W.P.No.31113 of 2022

WEB COPY

7. With these observations, the writ petition stands disposed of.  
There will be no order as to costs. Consequently, W.M.P.Nos.30524,  
30527 & 30619 of 2022 are closed.

(S.V.G., C.J.)

(P.D.A., J.)

25.08.2023

Index : Yes/No  
Neutral Citation : Yes/No

drm

To

1. The Recovery Officer – II  
Debts Recovery Tribunal  
Coimbatore.
2. The Registrar  
Debts Recovery Appellate Tribunal  
Chennai.



WEB COPY



W.P.No.31113 of 2022

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

(drm)

W.P.No.31113 of 2022

25.08.2023