



W.P.No.29708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.M/s.Chella Country Chicken P. Ltd.,
rep. by its Managing Director S.Thiruchandiramoorthi,
No.60A, Police Line Street,
Mulanur Post, Dharapuram Taluk,
Tiruppur District-638 106.

2.S.Thiruchandiramoorthi
3.Nithya
4.M.Susila
5.V.S.Mani
6.K.C.Somasundaram
7.K.C.Chinnasamy

.. Petitioners

Vs

1.The Branch Manager,
Canara Bank, Kannivadi Branch,
No.1/28, West Street,
Kannivadi, Dharapuram Taluk,
Tiruppur District.

2.D.R.Jeganathan
3.Senthil Kumar Arunachalam
4.Srimitha Govindaraj
5.Senthilkumar Leelakrishnan
6.K.Nandhakumar
7.Senthil

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the learned Chief Judicial Magistrate, Tiruppur in CrI.M.P.No.3672 of 2023 dated 26.9.2023 and quash the same and consequently directing the respondents to take physical possession of the petitioners properties situated in S.F.Nos.115, 116, 117 and 118, Senapathipalayam Village, Dharapuram Taluk, Tiruppur District and S.F.Nos.795/B3, 796/1, 796/2, 796/3, 892 and 893/1A, Kannivadi Village, Dharapuram Taluk, Tiruppur District and in respect of petitioners 4 to 7 properties situated in S.F.Nos.360/3B, 376/2, 633/1, 633/2, 376/1A, Mulanur Village, Dharapuram Taluk, Tiruppur District pending disposal of S.A.No.299 of 2023, S.A.No.366 of 2023 and S.A.No.897 of 2022 filed by the petitioners on the file of Debt Recovery Tribunal, Coimbatore.

For the Petitioners	: Mr.C.Prakasam
For the Respondents	: Mr.Ragunathan for M/s.T.S.Gopalan & Co. for respondent No.1
	: Mr.M.Jayaraj for respondents 2 to 5
	: No appearance for respondent No.6
	: R7 – Not Ready in Notice

ORDER

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

We have heard Mr.C.Prakasam, learned counsel for the petitioners; Mr.Ragunathan, learned counsel for M/s.T.S.Gopalan & Co., learned counsel for the first respondent; and, Mr.M.Jayaraj,



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learned counsel for respondents 2 to 5.

2. Upon hearing learned Senior Counsel appearing for the petitioners, under order dated 12.10.2023, we had directed the petitioners to deposit Rs.3.50 Crore (Rupees Three Crore and Fifty Lakh only) on or before 23.11.2023 and had stayed the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. The amount of Rs.3.50 Crore (Rupees Three Crore and Fifty Lakh only) is not deposited by the petitioners. At the request of the petitioners, the matter was adjourned on 23.11.2023 to 12.12.2023. On 12.12.2023, at the request of learned counsel for the petitioners, the matter was again adjourned by one week.

4. Today, learned counsel for the petitioners submits that the petitioners are not in a position to deposit the amount.

5. Even otherwise, the petitioners have a remedy to challenge



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the order under Section 14 of the Act of 2002 before the Debts Recovery Tribunal.

6. In the light of the above, we are not inclined to entertain the writ petition.

7. The writ petition, as such, is dismissed with liberty to the petitioners to assail the order before the Debts Recovery Tribunal as may be permissible under law. There will be no order as to costs. Consequently, W.M.P.Nos.29319 and 29320 of 2023 are closed. W.M.P.No.29317 of 2023 filed by the petitioners to permit them to file a single writ petition stands allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

19.12.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:
The Branch Manager,
Canara Bank, Kannivadi Branch,
No.1/28, West Street,
Kannivadi, Dharapuram Taluk,
Tiruppur District.



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

(sasi)

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