



WP No.34785 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.34785 of 2023

V.Althaf Tanning Company
rep. By its Proprietor Mr.V.Althaf Basha : Petitioner

versus

Canara Bank,
Ambur Branch, rep. By its Authorized Officer,
Nos.19 and 20, Kosa Street,
Ambur, Vellore District 635 802 : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent bank not to remove the machineries and other things installed in the properties comprised in New S.No.241/1 extent Hec.1.40 cents situated at Periyavarikkam Village, Ambur Taluk, Thirupathur District till the disposal of SA No.441/2023 pending on the file of the Debts Recovery Tribunal No.II, Chennai, on the basis of petitioner's reply notice dated 17.11.2023.

For the Petitioner : Mr.K.Anbu Manikandan Tamilsooriyan

For the Respondent : Mr.M.A.Abdul Wahab



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.K.Anbu Manikandan Tamilsooriyan, learned counsel for the petitioner and Mr.M.A.Abdul Wahab, for the respondent.

2. The petitioner is challenging the order issued by the respondent bank to remove the belongings from the secured asset.

3. It is not disputed that the petitioner has filed a Securitisation Application before the Debts Recovery Tribunal and the same is pending. It is also not disputed that the Tribunal has passed orders directing the petitioner to deposit a certain amount. The said amount is not deposited. Appropriate relief could be claimed in the securitisation application. It is for the petitioner to move the Debts Recovery Tribunal in this regard.

4. The writ petition stands disposed of. There will be no order as to costs. Consequently, WMP Nos.34775 and 34776 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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: Yes/No

To

The Authorized Officer,
Canara Bank,
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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

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