



W.P(MD)No.2517 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.2517 of 2023
and
W.M.P(MD)Nos.2304 & 2305 of 2023**

G.Marimuthu

... Petitioner

VS.

1.The Chief Judicial Magistrate,
Madurai.

2.M/s.Equitas Small Finance Bank Limited,
Represented by Authorized Officer,
Branch Office at Simmakal Branch,
153/G/H/I, People's Tower,
North Veli Street,
Madurai – 625 010.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to quash the impugned order dated 02.01.2023 in Cr.M.P.No.1977 of 2022 on the file of the learned Chief Judicial Magistrate, Madurai.



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For Petitioner : Mr.P.P.Ramesh Raja

For R – 2 : Mr.P.Baskar
Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned order dated 02.01.2023 in Cr.M.P.No.1977 of 2022 on the file of the learned Chief Judicial Magistrate, Madurai.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Challenging the very same impugned order, dated 02.01.2023 in Cr.M.P.No.1977 of 2022 on the file of the learned Chief Judicial Magistrate, Madurai, already the petitioner filed an application in S.A.SR.No.194 of 2023 before the Debts Recovery Tribunal, Madurai. Since the said application has not been numbered, the petitioner filed the present Writ Petition challenging the order, dated 02.01.2023 in Cr.M.P.No.1977 of



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2022 passed by the learned Chief Judicial Magistrate, Madurai, on the ground that there is no Presiding Officer in Madurai and the Presiding Officer, Coimbatore is in-charge of Madurai and there is a delay in taking up the matter.

4. The learned standing counsel appearing for the second respondent Bank submitted that since the petitioner already filed an appeal before the Debts Recovery Tribunal, Madurai challenging the very same impugned order, the petitioner has to work out his remedy before the Debts Recovery Tribunal.

5. Considering the fact that the petitioner had already filed an appeal before the Debts Recovery Tribunal, Madurai in S.A.SR.No.194 of 2023 along with a stay application and the same is pending and admittedly, the said application is yet to be numbered, we are not inclined to entertain the Writ Petition. However, we direct the Registrar, Debts Recovery Tribunal, Madurai to number the appeal along with the stay application, if it is otherwise in order. If it is numbered, the Debts Recovery Tribunal, Madurai is directed to dispose of the stay application as early as possible within a period of two weeks from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [L.V.G.,J.]
08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The Chief Judicial Magistrate,
Madurai.
- 2.M/s.Equitas Small Finance Bank Limited,
Represented by Authorized Officer,
Branch Office at Simmakal Branch,
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D.KRISHNAKUMAR,J.

and

L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.2517 of 2023

DATED : 08.02.2023