



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

WEB COPY

Wednesday, the Twenty Sixth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr. JUSTICE S.S.SUNDAR

AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WP(MD). No.4725 of 2023 &

WMP(MD)No.7743 of 2023

Punitha Albert Raj.J

... Petitioner

Vs

1 The Authorized Officer

DBS Bank India Ltd.

(Erstwhile the Lakshmi Vilas Bank Ltd.)

Gf Nos. 11 and 12,

Capital Point, Bks Marg,

Connaught Place,

Delhi - 110 001.

2 The Branch Manager

DBS Bank India Ltd.

Erstwhile the Lakshmi Vilas Bank Ltd.)

Tenkasi Branch,

36 Keela Avani Moola Street,Tenkasi.

3 The Chief Judicial Magistrate

Tirunelveli District,

Tirunelveli.

... Respondents



Prayer in WP(MD). No.4725 of 2023:-

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records of the 3rd respondent made in Crl.M.P.No. 5068 of 2022 dated 20.06.2022 and quash the same as non application of mind and consequently direct the respondents not to interfere in the peaceful possession of the petitioner in the schedule of properties as per the 3rd respondents order.

Prayer in WMP(MD)No.7743 of 2023:-

This Writ Miscellaneous Petition is filed under Article 226 of constitution of India, to extent the time limit for the compliance of the 2nd installment of Rs. 20,00,000/- for a further period of 4 weeks order in WP(MD) No. 4725 of 2023 dated 03.03.2023 by allowing this petition and thus render justice.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.Ramasamy, Advocate for the Petitioner and of Mr.S.I.Muthiah, Standing Counsel For R1,R2, this Court made the following order:

[Order of the Court made by **S.S.SUNDAR, J.**]

The matter is listed today under the caption 'for being mentioned' stating that in the order dated 03.03.2023 made in W.P(MD)No.4725 of 2023, no default clause is mentioned.

2. However, when the matter is taken up for hearing today, the learned counsel appearing on either side submitted that challenging the same impugned order, the petitioner has already file a Sarfaesi Application before the Debts

Recovery Tribunal.



3. This Court is of the view that the petitioner cannot be permitted to pursue parallelly as against the same order before different forums. Therefore, there is no further order is necessary in this writ petition. The petitioner may prosecute the application that is pending before the Debts Recovery Tribunal in the manner known to law.

4. Further, while disposing of the writ petition, this Court observed that the impugned order will be kept in abeyance till such time, the bank considers the representation of the petitioner for One Time Settlement. However, it is stated that except payment of Rs.5,00,000/-, further amount as directed by this Court has not been paid by the petitioner. Therefore, it is needless to say that the impugned order need not be kept in abeyance. However, the petitioner's right to pursue the Sarfaesi Application is preserved.

5. In view of the foregoing, the petition filed by the petitioner in W.M.P(MD) No.7743 of 2023, seeking to extend the time limit granted by this Court for making payment of the second installment of Rs.20,00,000/-, is also closed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)



TO

1 The Chief Judicial Magistrate
Tirunelveli District, Tirunelveli.

2 The Authorized Officer
DBS Bank India Ltd.
(Erstwhile the Lakshmi Vilas Bank Ltd.)
Gf Nos. 11 and 12,
Capital Point, Bks Marg,
Connaught Place,
Delhi - 110 001.

3 The Branch Manager
DBS Bank India Ltd.
(Erstwhile the Lakshmi Vilas Bank Ltd.)
Tenkasi Branch,
36 Keela Avani Moola Street, Tenkasi.

+1 CC TO MR.T.RAMASAMY, ADVOCATE CASR 36295

ORDER DATED : 26/07/2023

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ORDER

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WP(MD). No.4725 of 2023

Giving direction and etc.

as stated within.

MK/24.08.2023 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023