



W.P(MD)No.13497 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13497 of 2023

and

W.M.P(MD)No.11386 of 2023

M/S/Savio Industrial and Structural Corporation,
Rep by its Proprietor
V.X.Domnic Savio
96/5, Salem Aathur Main Road,
K.N.Colony Post,
Salem 636014.

... Petitioner

Vs.

1.The Deputy Chief Engineer,
Gauge Conversion/Southern Railway,
Madurai-625 016.

2.The Chief Engineer(South)
Construction/Southern Railway
Chennai-600 008.

3.The Chief Manager,
Bank of India,
Salem Branch,
Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to disburse the payment to the petitioner as per the award dated 10.12.2020 passed by the MSME council modified by the award dated



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30.09.2022 by the Principal District Judge, Madurai fourthwith by considering the petitioner's representation dated 28.02.2023.

For Petitioner : Mr.J.Anandkumar
For R1 & R2 : Mr.K.Govindarajan
Assistant Solicitor General of India
For R3 : Mr.C.DeepaK

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to the first and second respondents, to disburse the payment to the petitioner, as per the award dated 10.12.2020 passed by the MSME council, which award was modified by the Principal District Judge, Madurai, on 30.09.2022 on an application filed under Section 34 of the Arbitration and Conciliation Act, 1996.

2.The petitioner had filed E.P.No.13 of 2023 and the same is pending before the learned I Additional District Judge, Madurai. The petitioner seeks to some how secrete the money away from the clutches of the third respondent/Bank of India, who had initiated SARFAESI proceedings against the petitioner herein. They are also very much present to ensure that their loan amount is secured.

3.This is an issue which could be examined only by the Execution Court which will have the original records relating to the claim petition in the



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execution petition.

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4.The jurisdiction of this Court is quite very narrow, while examining issues which are purely vested within the jurisdiction of the civil Court either in its original jurisdiction or in execution. The petitioner may proceed further in E.P.No.13 of 2023. I am confident that the third respondent/Bank of India would also make every endeavour to examine the issue through Alternative Dispute Resolution Method. The choice is left to them.

5.In view of the above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To

1.The Deputy Chief Engineer,
Gauge Conversion/Southern Railway,
Madurai-625 016.

2.The Chief Engineer(South)
Construction/Southern Railway
Chennai-600 008.



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C.V.KARTHIKEYAN, J.

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