



W.P.(MD)No.12647 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12647 of 2022
and W.M.P.(MD)No.8961 of 2022

1.A.Kasilingam
2.Nagamani

... Petitioners

Vs.

1.The Debts Recovery Tribunal,
IV Floor, Kalyani Tower,
Melur Road, Madurai.

2.The Chief Judicial Magistrate,
District Court Campus,
Madurai.

3.Fullerton India Home Finance Company Ltd.,
Rep. by its Authorised Officer,
Mr.M.Rajapandi, 2nd Floor,
No.163, Kamarajar Salai,
Madurai – 625 009.

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 17.05.2022 made in Cr.M.P.No.441 of 2022 and quash the same.

For Petitioners : Mr.C.Lakshmanan

For Respondents : Mr.K.Asok Kumar Ram,
Central Govt. Standing Counsel for R1
R2 - Court
No appearance for R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

In view of the fact that the Debts Recovery Tribunal, Madurai is functioning once in a week, we are inclined to entertain this Writ Petition.

2. Challenging the impugned order passed by the 2nd respondent dated 17.05.2022 made in Cr.M.P.No.441 of 2022, the petitioners have filed this Writ Petition.



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3. The learned counsel appearing for the petitioners submitted that the order passed by the learned Chief Judicial Magistrate, Madurai is without jurisdiction, since the property in question comes under the jurisdiction of Nilakottai Taluk and therefore, the same is liable to be quashed.

4. It is brought to the notice of this Court by the learned Central Government Standing Counsel appearing for the first respondent that the registration jurisdiction falls under the Nilakottai Taluk, however, the judicial jurisdiction falls under the Dindigul District and therefore, the learned Chief Judicial Magistrate, Madurai is the competent authority to pass the impugned order.

5. In view of the above, we are of the view that there is no illegality or infirmity in the order passed by the 2nd respondent dated 17.05.2022 in Cr.M.P.No.441 of 2022 and therefore, this Writ Petition is liable to be dismissed.



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6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
23.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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