



W.P.(MD)No.13602 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.13602 of 2023

and

W.M.P.(MD)No.11468 of 2023

KPL Steel Private Limited,
Rep.by its Director,
No.4, Vinayaga Nagar, K.K.Nagar,
Madurai-625 020.

... Petitioner

Vs.

1.The Authorized Officer,
Bank of Maharashtra,
Assets Recovery Branch,
1st Floor, Sivagnanam Road,
T.Nagar, Chennai-600 017.

2.The Branch Manager,
Bank of Maharashtra,
Madurai Branch,
No.110/110A, Nethaji Road,
Madurai-625 001.

...Respondents

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



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order passed by the Chief Judicial Magistrate, Madurai in Crl.M.P.No.1584 of 2022, dated 26.10.2022 and quash the same.

For Petitioner : Mr.T.Mohan, Senior Counsel,

For Mr.M.Saravanan

For Respondents : Mr.T.Thevan, Standing Counsel

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

Though the order passed by the learned Chief Judicial Magistrate, Madurai under Section 14 of SARFAESI Act has been under challenge in this Writ Petition, the learned Senior Counsel appearing for the petitioner has submitted that, as against this order even though an appeal can be preferred to the Debts Recovery Tribunal, the post of Presiding Officer of the jurisdictional Debts Recovery Tribunal is vacant. Hence, the Presiding Officer, Debts Recovery Tribunal, Coimbatore is in-charge of Debts Recovery Tribunal, Madurai and will sit only twice a week. Even if the petitioner immediately prefers such appeal on 12.06.2023, it would take reasonably two to three days to take up the appeal and decide it. Therefore, till such time, *status-quo* as on today can be maintained atleast, he contended.



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2.The learned Senior Counsel for the petitioner would also contend that this arrangement he sought for only because the order copy had been served on the petitioner day before yesterday only. Therefore, he had no time to approach the Debts Recovery Tribunal, hence, approached this Court by filing this Writ Petition.

3.Mr.T.Thevan, learned Standing Counsel, who took notice on behalf of the respondents, submitted that every Tuesday and Friday, the in-charge Presiding Officer is sitting with regard to Madurai jurisdiction and therefore, the petitioner can very well approach the Debts Recovery Tribunal by 12.06.2023 and can move the appeal on 13.06.2023. Therefore, no indulgence can be shown for any longer period, he contended.

4.We have considered the said rival submissions made on either side.

5.We are not inclined to entertain this Writ Petition by interfering with the order, which is impugned herein. But at the same time, since the



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order impugned seems to have been served on the petitioner day before yesterday only and the post of regular Presiding Officer of the jurisdictional Debts Recovery Tribunal is vacant and therefore, he has to approach the in-charge Presiding Officer of the Debts Recovery Tribunal, which earliest possible, according to the learned Senior Counsel for the petitioner, is next working day ie., on 12.06.2023, taking note of this contingency, we are inclined to dispose of this Writ Petition with the following order:-

“It is open to the petitioner to approach the Debts Recovery Tribunal, Madurai by 12.06.2023 and immediately move such appeal in accordance with law. Enabling the petitioner to move before the Debts Recovery Tribunal, time till 16.06.2023 is granted, before which, it is for the petitioner to approach and get orders in accordance with law. Till such time, status-quo as on today with regard to the property in question shall be maintained, failing which, it is open to the respondents to proceed further pursuant to the impugned proceedings in accordance with law.”



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6. With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)

09.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

Note: (i) Issue Order copy by today (09.06.2023)itself.

(ii)Registry is directed to return back the original impugned order to the petitioner, after retaining the photocopy of the same.



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AND

K.K.RAMAKRISHNAN, J.

MYR

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