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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.22968 OF 2023
and
W.M.P(MD)No.19184 of 2023**

P.Premkumar

:Petitioner

.VS.

- 1.The Registrar,
Debts Recovery Tribunal,
Madurai.
- 2.The Chief Manager,
Shriram Transport Finance Company Limited,
Mookambika Complex,
Third Floor, No.4,
Lady Desika Road,
Mylapore,
Chennai-4.
- 3.M/s.Shriram Transport Finance Company Limited,
represented by its Regional Collection Manager/Authorized Officer,
K.Rajesh Kumar, Son of Karuppaiah,
No.81,Third Floor, P.K.N.A Complex(Upstairs Megamart),
Bypass Road,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to main number as e-DRT Diary Number.964 of



2023 and to set aside the order in Cr.M.P.No.1485 of 2022, dated 10.10.2022 passed by the Chief Judicial Magistrate Court, Madurai filed by the third respondent under Section 14 of the SARFAESI Act in respect of various property situated at New sub-divided and identified as S.Nos.60/5, 60/7A and 60/7B and 60/16, Madurai East Taluk, Rajakambeeram Village, Othakadai, Madurai District and decide the same on merits within the time stipulated by this Court.

For Petitioner :Mr.K.Sathiya Singh

For Respondents/
Bank :Mr.K.Ravichandran
Standing Counsel

ORDER

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed challenging the order of the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.1485 of 2022, dated 10.10.2022 in the application filed by the respondents/Bank under Section 13(4) of the SARFAESI Act.

2.Mr.R.Ravichandran, learned Standing Counsel takes notice for the respondents 2 and 3/Bank. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3.The Petitioner has already approached the Debts Recovery Tribunal by filing a SARFEASI Application as against the order of the learned Chief Judicial Magistrate, which is impugned in the present Writ Petition and the Petitioner has only prayed for numbering the same and to dispose of the same within a time limit.

4.Having regard to the limited scope of the prayer sought for in this Writ Petition, this Court, without expressing any opinion on the merits of the application pending before the Debts Recovery Tribunal, the Debts Recovery Tribunal, Madurai is directed to number the SARFAESI Application stated to have been filed by the Petitioner as against the order in Cr.M.P.No.1458 of 2022, dated 10.10.2022 and dispose of the same, on its own merits and in accordance with law.

5.Further, it is open to the Petitioner to approach the respondents 1 and 2/Bank for any concession or waiver of interest or for re-schedulement of loan. The Petitioner is further directed file an application in this regard within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application from the Petitioner, the respondents 2 and 3/Bank shall consider



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the same in the light of the Reserve Bank Guidelines and norms applicable to the respondents 2 and 3/Bank and pass appropriate orders on merits, within a period of six weeks thereafter. Till such time an order is passed on the application/representation of the Petitioner regarding the waiver of interest or concession and the decision is communicated to the Petitioner, the respondents 2 and 3/Bank shall not initiate any other coercive action against the Petitioner. It is now reported that the respondents 2 and 3/Bank has sealed the premises. It is also open to the Petitioner to negotiate with the respondents 2 and 3/Bank to de-seal the premises, on any terms.

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

[S.S.S.R.,J.] [D.B.C,J.]
26.09.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn



To

The Registrar,
Debts Recovery Tribunal,
Madurai.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)NO.22968 OF 2023

and

W.M.P(MD)No.19184 of 2023

26.09.2023