



W.P.(MD)No.26863 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.26863 of 2023

and W.M.P.(MD) Nos.23088 and 23089 of 2023

M.Mohamed Agia

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep. by its Authorised Officer,
Regional Office, Madurai.
Plot No.40, 80 Feet Road,
Aringar Anna Nagar,
Madurai - 625 020.

2.The Branch Manager,
Indian Overseas Bank,
Uthamapalayam Branch,
Theni District.

3.P.Pandian

4.P.Ajith

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the Debts Recovery Tribunal at Madurai in IA No.1557 of 2023 in



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SA No.350 of 2023 dated 26.09.2023 and quash the same as illegal, consequently directing the Respondent No.1 to proceed for registration and hand over the physical possession of the properties as per the sale certificates issued by him in favour of the petitioner dated 23.08.2023.

For Petitioner : Mr.U.Shameem John

For Respondents : Mr.N.Dilipkumar,
Standing Counsel for R1 & R2

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The Writ Petition challenges the interim order passed by the Debts Recovery Tribunal, Madurai, in I.A. No.1557 of 2023 in S.A, No.350 of 2023 dated 26.09.2023, whereby the Debts Recovery Tribunal has granted an ad-interim stay and has adjourned the matter, directing the private respondent to pay the amounts due in instalments.

2. The interlocutory application in I.A.No.1557 of 2023 in S.A. No.350 of 2023 has not been finally disposed. The application is still pending. The writ petitioner has also been arrayed as a party viz., the third respondent. If he is aggrieved by the order, it is always open to him to file an application to vacate the ad-interim stay. In fact, as against an ad-interim stay even an appeal is not



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maintainable before the Debts Recovery Appellate Tribunal. In the said circumstances, we are afraid we are not in a position to entertain the Writ Petition.

3. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
08.11.2023

NCC : Yes / No
Index : Yes / No

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V.LAKSHMINARAYANAN, J.

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