



WEB COPY



WP No.885 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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DBS Bank India Ltd
(erstwhile Lakshmi Vilas Bank)
Chennai Regional Office
Plot No..136, 2nd Floor,
Greems Road, P.M.Towers,
Chennai 06,
Rep. By Authorised Officer
Mr.M.Rengarajan

: Petitioner

versus

1.M/s. Chira Caps
Rep. By its Proprietor D.Suresh Babu
No.37-A Sarangapani Street
Thiruvallurvar Block
Krishnapuram, Ambattur Chennai 53

2.D.Pushpavathy

3.K.Devarajan

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the learned chief Judicial Magistrate, Tiruvallur, in Crl.M.P.No.2906 of 2022 vide order dated 17.11.2023 quash the said order and consequentially direct the learned Chief Judicial Magistrate, Tiruvallur, to reconsider the petition filed under the section 14 of the SARFAESI Act.

For Petitioner

:

Mr.Om Prakash,
Senior Counsel,
for Mr.L.Thiyagaiya



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For Respondents

:

Mr.A.Periyasamy

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Om Prakash, learned Senior Counsel for the petitioner and Mr.A.Periyasamy, learned counsel for the respondents.

2. The application filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') is rejected by the learned Chief Judicial Magistrate, Tiruvallur. Challenging the said order, the present petition has been filed.

3. Learned Chief Judicial Magistrate while rejecting the application filed by the petitioner under Section 14 of the Act, observed that the petitioner failed to produce relevant and admissible original documents for verification, pertaining to the petition mentioned property and also failed to produce suitable documents to show that the mandatory procedure laid down under the SARFAESI Act and SARFAESI Rules, 2002 have been properly followed.



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4. The order does not clarify as to which documents the learned Chief Judicial Magistrate considered to be relevant. An order has to be a self-speaking one supported by reasons. If the learned Chief Judicial Magistrate could have given the details of the documents which, in the opinion of learned Chief Judicial Magistrate, are relevant and not filed by the petitioner, then the order would have been a self-speaking order. In the absence thereof, it would not be possible to sustain the said order.

5. In light of that, the impugned order is quashed and set aside and the matter is relegated to the learned Chief Judicial Magistrate for a decision on the application filed by the petitioner under Section 14 of the Act of 2002, afresh. All contentions of parties are kept open.

6. The writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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