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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.1769 of 2024

P.Natarajan

.... Petitioner

Vs.

1. CSB Bank Ltd.,
Rep. By its Authorised Officer,
Asset Recovery Branch,
Second Floor, Shiva Complex,
No.54, Old Post Office Road,
Coimbatore District.

2. The Inspector of Police,
Udumalaipet Police Station,
Udumalpet.

....Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to allow the second respondent to inspect the property of the mill situated at Sakthi Cooperative Industrial Estates, Illayamuthoor road, Udumalai based on the complaint submitted by the petitioner dated 03.04.2023, dated 28.12.2023 and the representation submitted to the first respondent bank dated 04.01.2024 for the theft of machineries, electrical items etc., worth Rs.3.34 crores inside the mill and consequently, direct the second respondent to take necessary action for recovery of the same within the time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankatan, Sr.C.

For S.Nedunchezhiyan

For Respondents : Mr.John Noel Koilpillai *R1*



ORDER

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This petition has been filed seeking a direction to the first respondent to allow the second respondent to inspect the property of the mill situated at Sakthi Cooperative Industrial Estates, Illayamuthoor road, Udumalai based on the complaint submitted by the petitioner dated 03.04.2023, dated 28.12.2023 and the representation submitted to the first respondent bank dated 04.01.2024 for the theft of machineries, electrical items etc., worth Rs.3.34 crores inside the mill and consequently, direct the second respondent to take necessary action for recovery of the same within the time frame to be fixed by this Court.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that this Court, without going into the merits of the case, may grant permission to the petitioner to file a petition either before the DRT or before the trial Court under Section 173 of BNSS Act.

3. In this regard, the learned counsel for the respondents has not raised any objection.



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4. Heard, the learned counsel for the petitioner, the learned counsel appearing for the respondents and perused the materials available on record.

5. In view of the limited request sought for by the petitioners, this Court without going into the merits of the case and without express any opinion on the merits of the case, grants liberty to file a petition either before the DRT or before the trial Court under Section 173 of the BNSS Act.

6. The writ petition is dismissed with the above directions.
There shall be no order as to costs.

23.08.2024

Index : Yes/No
Internet : Yes/No
Rli



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M.DHANDAPANI, J.

rli

To

1. CSB Bank Ltd.,
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