



W.P.No.5772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5772 of 2024

T.Visalakshi

.. Petitioner

VS

1.The Registrar,
Debts Recovery Tribunal-III,
6th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Nungambakkam,
Chennai-600 006.

2.M/s.Industrial Development Bank of India,
No.115, Anna Salai,
Saidapet, Chennai-600 015.

3.N.Palaniappan

4.T.Narayanan

5.T.Saraswathi

6.T.Uma

7.PL.Narayanan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the first respondent in Diary No.4957/2023 in Appeal



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Sr.No.14677/2023 in (DRC211/2007 in O.A.362/2007) dated 12.12.2023 in returning the Appeal filed by the petitioner and respondents 3 to 7 under Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 on the ground that "50% of the amount due as per the Recovery Certificate amount not paid" and quash the same as without jurisdiction, and further direct the first respondent to place the appeal before the Presiding Officer, DRT-III, Chennai to consider and pass appropriate orders under Sec.21 read with Proviso to Sec.21 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

For the Petitioner : Mr.V.P.Sengottuvel
Senior Counsel
for Mr.Shanmugam S.A

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.V.P.Sengottuvel, learned Senior Counsel for Mr.Shanmugam, S.A, learned counsel for the petitioner.

2. Learned Senior Counsel for the petitioner submits that the Registrar has no jurisdiction to return the appeal. He can raise an objection and place it before the Presiding Officer. The same has not been done in the present matter. The Presiding Officer has got



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discretion to direct the party to deposit 25% of the amount.

3. Learned Senior Counsel further submits that even before notice was issued to the defendants/respondents in the appeal, the appeal was returned.

4. Time and again, we have held that, in matters of such nature, the Registrar may raise an objection and place it before the Presiding Officer for decision. Reference can be made to one of our orders dated 2.2.2024 passed in W.P.No.33622 of 2023 [*Sasikala v. The Authorised Officer, Indian Bank, Salem, rep. by its Asset Recovery Management Branch, 31, Variety Hall Road, Coimbatore and others*].

5. In the light of that, the impugned order passed by the Registrar of the Debts Recovery Tribunal-III, Chennai, is set aside. The Registrar may raise an objection and place the matter before the Presiding Officer concerned. The Presiding Officer, thereafter, shall consider the stand of the petitioner and the objection raised and pass appropriate orders.



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6. With the above observation, the writ petition is partly allowed.

There shall be no order as to costs. Consequently, W.M.P.Nos.6395 and 6396 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

The Registrar,
Debts Recovery Tribunal-III,
6th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Nungambakkam,
Chennai-600 006.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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