



W.P.No.6568 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6568 of 2024

G.Krithanyaa

.. Petitioner

Vs.

1. The Branch Manager
State Bank of India
Stressed Assets Management Branch
Raja Plaza, 1st Floor, No.1112
Avinashi Road, Coimbatore – 641 037.
2. M/s.R.K.S.Logistics
Rep. by its Sole Proprietor Shri.K.Shivakumar
C/o. Shri M.Gunaseakaran
14/20, Arumugam Street, Puzhuthivakkam
Madipakkam Village, Chennai – 600 091.
3. G.K.Abarnadevi
4. K.K.Palanivelan
5. Poongodi
6. D.Muralidharan
7. J.K.Govindarajulu
8. G.Rekha

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the impugned order passed by Recovery Officer – II, Debts Recovery Tribunal, Coimbatore dated 12.02.2024 made in I.A.No.48 and 49 of 2023, Recovery Proceedings (R.P) No.05/2022 in DRC No.03/2022 in O.A.No.09/2010 and quash the same.

For the Petitioner : Mr.V.Anandhamoorthy

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.V.Anandhamoorthy, learned counsel for the petitioner.

2. The petitioner assails the order passed by the Recovery Officer in the Recovery Proceedings.

3. The learned counsel for the petitioner submits that the Recovery Officer failed to apply his mind while passing the impugned order. No enquiry was conducted under the provisions of the Income Tax Act, 1961, applicable to the execution proceedings. The contention of the petitioner that the petitioner being a minor at the relevant time is not at all discussed.



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4. The order passed by the Recovery Officer can be assailed before the Presiding Officer. It is open to the petitioner to challenge the order of the Recovery Officer before the Presiding Officer, as may be permissible under the provisions of the relevant Act. In that event, all contentions of the parties are kept open.

5. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.7293 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

14.03.2024

Index : Yes/No

Neutral Citation : Yes/No

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

(drm)

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