



WP No.11648 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.11648 of 2024

M.Jothi Edison

: Petitioner

versus

1.The Indian Bank,
31, Rajaji Salai, Chennai 600 001,
having branch office at No.31,
Variety Hall Road, Coimbatore 641 001
rep. By its Asst.General Manager,
M.Gopalakrishnan

2.M/s.Muruganandhan Mill Ltd.,
No.7/2 Gopalapuram
Coimbatore 641 018
rep. By its Official Liquidator,
High Court of Madras

3.G.Muruganathaswamy
4.G.Sethuramalingam
5.G.Balasubramaniam
6.Dhanabagyam

7.The Official Liquidator,
High Court of Madras,
Chennai 104

: 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 impugned order in TA No.334 of 2002 dated 28.02.2024 by Debts Recovery Tribunal, Coimbatore and quash the same



WP No.11648 of 2024

and further direct Debts Recovery Tribunal Coimbatore to release the property of the petitioner in Old ward No.5, T.S. No.1/298/9, present TS No.1/1227, Old D.Nos.5/37, 7/2 present D.No.3, Gopalapuram 1st street, which comes within the Coimbatore Corporation.

For Petitioner : Mr.K.V.Balu,
for Mr.M.Prem Kumar

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.K.V.Balu, learned counsel for the petitioner.

2. The order of the Presiding Officer, Debts Recovery Tribunal, Coimbatore, is challenged in this petition. It is submitted by learned counsel for the petitioner that the petitioner is not concerned with the loan taken by the second respondent company from the first respondent bank. The second respondent company has also gone into liquidation. All the assets of the said company are sold. The private property of the petitioner is attached by the Presiding Officer, Debts Recovery Tribunal.

3. Learned counsel for the petitioner submits that only recently, the petitioner got to know that the property was attached by the Debts Recovery Tribunal on 28.03.2009. The petitioner claims to be a third party and unconcerned with the loan.



WP No.11648 of 2024

4. The order of attachment passed the Presiding Officer, Debts Recovery Tribunal, can be challenged before the Debt Recovery Appellate Tribunal. In that event, all contentions are kept open.

5. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP Nos.12742 and 12743 of 2024 are closed.

(S.V.G., CJ.) (J.S.N.P., J.)
26.04.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.The Assistant General Manager,
Indian Bank, 31, Rajaji Salai,
Chennai 600 001
having branch office at No.31,
Variety Hall Road, Coimbatore 641 001

2.The Official Liquidator,
High Court of Madras,
Chennai 104



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WP No.11648 of 2024

THE HON'BLE CHIEF JUSTICE

AND

J.SATHYA NARAYANA PRASAD, J.

(tar)

WP No.11648 of 2024

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