



WEB COPY



W.P.No.18515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.18515 of 2024

Kamalakannan
Represented by his Power of Attorney
Mohanasankari

... Petitioner

Vs.

1.Punjab National Bank,
Represented by its Chief Manager,
P.Mahendran,
Circle SASTRA, Spencer Plaza,
Anna Salai, Chennai – 600 002.

2.Venu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the learned Presiding Officer, DRT-II, Chennai, to dispose I.A.Diary No.3908 of 2023 in S.A.No.300 of 2023 within a time frame as may be fixed by this Court.



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For Petitioner : Mr.P.G.Thiyagu

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the learned Presiding Officer, DRT-II, Chennai, to dispose I.A.Diary No.3908 of 2023 in S.A.No.300 of 2023 within a time frame.

2.Having regard to the nature of the order proposed by this Court, notice is dispensed with to the respondents.

3.The case of the petitioner is that, in the e-auction that was conducted on 14.10.2022, the petitioner participated and he was declared as highest bidder, as the amount of Rs.29,65,000/- bid by him was the highest. It is the case of the petitioner that the 1st respondent Bank issued Sale Certificate on 31.10.2022 in favour of the petitioner and the Sale Certificate was also registered as Doc.No.9453 of 2022 on 29.11.2022. Meanwhile, the 1st respondent Bank filed an application under Section 14 of the SARFAESI Act



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before the learned Chief Judicial Magistrate, Egmore, Chennai, in Crl.M.P.No.3583 of 2023. The said application was allowed by order dated 10.04.2023. However, the borrower, namely the 2nd respondent herein, filed a SARFAESI application in S.A.No.300 of 2023 before the Debt Recovery Tribunal-II, Chennai, challenging the order of the learned Chief Judicial Magistrate under Section 14 of the Act. It is the case of the petitioner that the 2nd respondent did not implead the petitioner in the proceedings and hence, the petitioner filed an application to implead himself as a party to the proceedings. The said Interlocutory Application, though was filed and numbered as I.A.No.3908 of 2023, the grievance of the petitioner is that the application is still pending before the Presiding Officer, Debt Recovery Tribunal-II, Chennai, for a long time. It is in the said circumstances, the petitioner seeks a direction to the Debt Recovery Tribunal-II, Chennai, to dispose of the Interlocutory Application within a time frame.

4.Having regard to the stated circumstances, this Court, without expressing any opinion on the merits, is inclined to dispose of the writ petition by issuing a direction to the Debt Recovery Tribunal-II, Chennai, to



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dispose of I.A.(Diary) No.3908 of 2023 in S.A.No.300 of 2023, on merits,
within a period of six weeks from the date of receipt of a copy of this order,
after hearing the parties concerned.

5.With the above direction, this writ petition is disposed of. No costs.

(S.S.S.R., J.) (N.S., J.)
08.07.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1.The Presiding Officer,
Debt Recovery Tribunal-II,
Chennai.

2.The Chief Manager,
Punjab National Bank,
P.Mahendran,
Circle SASTRA, Spencer Plaza,
Anna Salai, Chennai – 600 002.



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and
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