



WEB COPY



W.P.No.25660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.25660 of 2024 and
W.M.P.Nos.18893 & 18894 of 2024

Mr.S.Saravanan

... Petitioner

-VS-

1. The Registrar,
Debts Recovery Appellant Tribunal, Chennai,
7th Floor, Additional Office Buildings,
Shastri Bhavan, Haddows Road,
Chennai-600 006.

2. The Authorised Officer,
Indian Bank,
Paramakudi Branch,
3/547 L1 Madurai Rameswaram Main Road,
Paramakudi-623 707.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to number AIR No.1217 of 2023 as Regular Appeal as per order dated 17.04.2024 in W.P.No.7981 of 2024 of this Court complied with by depositing the amount of Rs.23,00,000/-.

For Petitioners : Ms.S.Gomathi



WEB COPY



W.P.No.256 of 2024

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a direction to the 1st respondent to number AIR No.1217 of 2023 as Regular Appeal as per order dated 17.04.2024 in W.P.No.7981 of 2024 of this Court so as to comply with depositing of the amount of Rs.23,00,000/-.

2. It is the case of the petitioner that he has filed I.A.No.378 of 2023 in AIR (SA) No.1217 of 2023, seeking for waiver of statutory deposit required under Section 18(1) of the SARFAESI Act, 2002 for entertaining the appeal. On 17.04.2024, a submission was made before this Court that a sum of Rs.25,00,000/- has already been paid to the Bank as per the directions of the Court and that the petitioner would deposit further sum of Rs.23,00,000/-. According to the petitioner, though he has complied with the order, the DRAT has not numbered the application, as the application has not been taken up for passing final orders as directed by this Court.

3. It is seen that despite deposit of the entire amount of Rs.51 lakhs by the petitioner, the DRAT has not listed the application in I.A.No.378 of 2023 for hearing and passing further orders and also to comply with the orders of this Court by



W.P.No.256 of 2024

entertaining the appeal. Failure on the part of the DRAT in numbering the appeal has forced the petitioner to knock at the doors of this Court, which is unwarranted and the petition is made to run from pillar to post. If any such application is filed, it is the duty of the DRAT to take up the application and dispose of the same at the earliest point of time so as to comply with the provisions of Section 18(1) of the SARFAESI Act. Hence, the 1st respondent is directed to list the application before the Presiding Officer for hearing, who, in turn shall pass final orders in respect of numbering the appeal at an early date.

4. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,ACJ.]

[P.B.B,J.]

05.09.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
ar

1. The Registrar,
Debts Recovery Appellant Tribunal, Chennai,
7th Floor, Additional Office Buildings,
Shastri Bhavan, Haddows Road,
Chennai-600 006.
2. The Authorised Officer,
Indian Bank,
Paramakudi Branch,
3/547 L1 Madurai Rameswaram Main Road,
Paramakudi-623 707.



WEB COPY



W.P.No.25660 of 2024

HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,
ar

W.P.No.25660 of 2024

05.09.2024