



W.P.No.27758 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM :

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

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.25913 of 2024 and

WMP No.28282 of 2024

Femina Rajalakshmi

... Petitioner

Vs.

1. M/s Uco Bank,
Rep. by Authorized Officer,
Ootacamund Branch, Reliance Building,
Charring Crass, Ootacamund,
Nilgiri District 643 001.

2. M/s Raivan Global Private Limited,
Rep. by its Director, Kumaran Balasubramanian,
125, Kumaran Complex, 5th Street,
100 Ft.Road, Gandhipuram,
Coimbatore 641 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking for issuance of a Writ of Certiorarified calling for the records pertaining to the order passed in MA (SA) No.2 of 2023, dated 23.07.2024 by the Debts Recovery Appellate Tribunal, Chennai and to quash the same.



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For Petitioner : Mr.M.BDominique
and K.R.Gunashekar

For Respondents : Mr.P.S.Ganesh for first respondent.

ORDER

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

This writ petition has been filed to quash the order passed in MA (SA)

No.2 of 2023, dated 23.07.2024 by the Debts Recovery Appellate Tribunal,
Chennai.

2. The appellant herein has filed SA No. 540 of 2021 before the Debts Recovery Tribunal, Coimbatore to quash the tender sale notice dated 02.09.2021 issued by the respondent bank and to direct the respondent bank to regularize the loan account of the petitioner by restructuring the installement.

3. In the above said SA No.540/2021, the DRT, Coimbatore, vide order dated 22.09.2021, has directed the petitioner as follows.

" ... Hence this Tribunal is hereby ordered to deposit a sum of Rs.10.00 Lakhs to the respondent bank, out of which a sum of Rs.5.00 Lakhs shall be paid, on or before 20.10.2021 and another sum of Rs.5.00 lakhs shall be paid on or before 17.11.2021 to the respondent bank. The respondent bank on receiving the sum, as ordered by this Tribunal, shall not confirm the auction sale, if any, held on the scheduled date of auction. If the applicant(s) is failed to deposit any part of the



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sum as ordered by this Tribunal, the respondent bank shall be at its liberty to confirm the auction sale, if any, held on the scheduled date of auction, without any further reference to this Tribunal."

Challenging the above order, the petitioner herein has filed an appeal in MA (SA) 2 of 2023 before the Debts Recovery Appellate Tribunal, Chennai, wherein, the DRAT has directed the Tribunal below to decide the main SA on merits, in accordance with law, as expeditiously as possible. Assailing the above order passed by the DRAT, this writ petition has been filed.

4. The learned counsel for the petitioner submitted that the DRAT, Chennai had directed the petitioner to deposit Rs.11,08,586/- on or before 13.01.2023 and the same was complied with by the petitioner and only after the payment of statutory deposit, the appeal was numbered as MA (SA) No.2/2023 before the DRAT. It is contended by the learned counsel for the petitioner that, without safeguarding the petitioner's interest, as sought for by him as interim relief, the DRAT has directed the DRT to dispose the main SA 540/2021 on merits, in accordance with law, as expeditiously as possible.

5. Perusal of the records reveals that the property of the petitioner, which



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was mortgaged with the first respondent bank while obtaining the loan, was already sold to the second respondent. The petitioner also admitted the above facts in the affidavit filed along with this writ petition. Further, the learned counsel for the respondent bank before the DRAT has submitted that " sale already confirmed and a third party interest is created on 08.12.2002, during the pendency of the appeal ". In such circumstances, the DRAT has rightly passed the order, directing the DRT to decide the SA No. 540/2021, as expeditiously as possible. It is not stated by the petitioner as to how he is aggrieved by the said order passed by the DRAT. Therefore, we are of the view that there is no legal ground to entertain this writ petition, as it was passed only in favour of the petitioner.

6. At this juncture, the learned counsel appearing for the petitioner submitted that, there is no regular Presiding Officer in the Bench of DRT, Coimbatore. The Presiding Officer, Madurai Bench, who is in-charge of DRT Coimbatore is taking urgent matters alone either through Video Conferencing or Physical Mode. Hence, he seeks a direction to the Presiding Officer to dispose of SA No.540/2021 within a time frame as fixed by this court.



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7. Accordingly, the Presiding Officer, Debts Recovery Tribunal, Coimbatore (in-charge) is directed to dispose SA No. 540 of 2021 within three months from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Connected WMP No.28282 of 2024 is closed.

(D.K.K., A.CJ.)

(P.B.B.J.)

09.09.2024

Internet: Yes/No

Index : Yes/No

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To

The Presiding Officer,
Debts Recovery Tribunal,
Coimbatore.



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THE HON'BLE ACTING CHIEF JUSTICE
and
P.B.BALAJI, J.

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