



W.P.No.30882 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.30882 of 2024
and W.M.P.No.33468 of 2024

S.Saravanan

.. Petitioner

vs.

1.The Registrar,
Debts Recovery Appellate 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 : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus informing the petitioner who has fully paid as per the Sec 13(2) Demand Notice and ready to deposit with the 1st respondent in AIR No.1217 of 2023, amount that may be directed



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by this Court so as to take away the property documents held by the 2nd respondent.

For Petitioner : Mrs.S.Gomathi

ORDER

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

The prayer in the petition reads as under:

“to issue a Writ in the nature of WRIT OF MANDAMUS or any other appropriate Writ, informing the Petitioner who has fully paid as per the Sec 13(2) Demand Notice and ready to deposit with the 1st Respondent in AIR No.1217 of 2023, any amount that may be directed by this Hon'ble Court so as to take away the property documents held by the 2nd Respondent and to pass such other or further orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and thus render justice.”

2. On 5th September, 2024, in another petition, being W.P.No.25660 of 2024, filed by the same petitioner, this Court was pleased to pass the following order:

“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



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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 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.”

3. In view of what is recorded in the order dated 5th September, 2024, the Debt Recovery Appellate Tribunal, Chennai, shall take up the application of petitioner under Section 18(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 expeditiously. Petitioner is at liberty to apply to the Debt Recovery Appellate Tribunal, Chennai, for early hearing of the



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application.

4. Writ petition is disposed of. There shall be no order as to costs.

Consequently, interim application also stands disposed of.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

23.10.2024

Index : Yes/No

NC : Yes/No

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To

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2.The Authorised Officer,
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

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