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C.R.P.No.4360 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

C.R.P.No.4360 of 2022

M/s.Paterson Cancer Center (P) Ltd.,
Rep. its Managing Director Dr.S.Vijayaraghavan .. Petitioner

Versus

The Authorised Officer,
Indian Overseas Bank,
The Asset Recovery Management Branch,
No.763, Anna Salai, Central Office,
Chennai - 600 002. .. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 22.12.2022 in S.I.A.No.1467 of 2022 in S.A.No.503 of 2022 by the D.R.T-III, Chennai.

For Petitioner : Mr.N.L.Rajah, Senior Counsel
for Mr.B.Natarajan

For Respondent : Ms.K.R.Ananda Gomathy

ORDER

(Order made by the Hon'ble Chief Justice)



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Heard Mr.N.L.Rajah, learned Senior Counsel for Mr.B.Natarajan, learned Counsel appearing on behalf of the petitioner and Ms.K.R.Ananda Gomathy, learned Counsel appearing on behalf of the respondent.

2. The present petition is filed against the order, dated 22.12.2022 passed by the Debts Recovery Tribunal - III, Chennai vacating the order of status *quo* granted in favour of the petitioner on 07.12.2022.

3. The learned Senior Counsel for the petitioner submits that no reasons are spelt out for vacating the interim order. On the said date, time was sought by the bank to file counter and documents. Without hearing the matter on merits, the order of status *quo* is vacated.

4. The learned Counsel for the bank submits that NOC was granted to the petitioner in respect of different property. The said NOC was used to seek protection in case of another property that was already sold. The same was submitted before the Debts Recovery Tribunal - III, Chennai. In view of that, the order of status *quo* is vacated.



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5. The order vacating status *quo* is bereft of any reason. The reasons are now considered to be the third pillar of principles of natural justice. The reasons depict the application of mind of the authority passing the order. The order sans reasons cannot be upheld.

6. In the light of that, the impugned order is quashed and set aside. The parties may appear before the Debts Recovery Tribunal - III, Chennai and may make their submissions with regard to the continuation / vacation of the order of status *quo*. The Debts Recovery Tribunal - III, Chennai shall consider the submissions of the respective parties and take a decision with regard to the order of status *quo*.

7. It is submitted that the Debts Recovery Tribunal - III, Chennai has already fixed the matter on 07.02.2024. The parties may appear on the said date.

8. With these observations, this Civil Revision Petition is disposed of. No costs. Consequently, C.M.P.No.22951 of 2022 is closed.



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(S.V.G., CJ.)

(D.B.C., J.)

10.01.2024

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

The Debts Recovery Tribunal - III, Chennai.

**THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

grs

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