



W.P.No.34799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34799 of 2023

M/s.Subash Agencies and Furniture,
Prop. P.Subash
No.52 B 1, Durugam Road,
Kallakurichi-606 202.

.. Petitioner

VS

1.Tamil Nadu Mercantile Bank Ltd. (TMB),
rep. by its Authorized Officer D.Saravanan
Having its Salam Regional Office,
No.105, Ramakrishna Road,
1st Floor ear ATC Dept, Salam-636 007.

2.The Authorized Officer,
Tamil Nadu Mercantile Bank Ltd. (TMB)
Registered office at:
57, VE. Road,
Thoothukudi-628 002.
Branch Office at
D.No.40F/10, Sri Balaji Lodge Building,
Rajambal Nagar, Salem Main Road,
Kallakurichi-606 202.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the first respondent in connection with CrI.M.P.No.8594 of 2023 order passed by the learned Chief Judicial Magistrate, Villupuram on 18.10.2023 and quash the same.

For the Petitioner : Mr.M.D.Thirunavukkarasu

For the Respondents : Mr.V.Chandrasekaran

ORDER

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

We have heard Mr.M.D.Thirunavukkarasu, learned counsel for the petitioner and Mr.V.Chandrasekaran, learned counsel for the respondents.

2. The petitioner has not deposited the entire amount as directed under the order dated 13.12.2023. The petitioner has deposited Rs.5.00 lakh and seeks further extension of time to deposit Rs.8.00 lakh.

3. On 13.12.2023, we had entertained the writ petition on the statement of learned counsel for the petitioner that the computer



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server is not working in the Debts Recovery Tribunal, Chennai for the past 3 to 4 days and it was not possible to file matters before the Debts Recovery Tribunal.

4. Now the Debts Recovery Tribunal, Chennai is functioning.

5. In view of that, we dispose of the writ petition with liberty to the petitioner to avail the alternate remedy before the Debts Recovery Tribunal. All contentions are kept open. For a period of ten days from today *status-quo* as on today be maintained. It is made clear that on the lapse of ten days, the protection granted by this Court shall come to an end and the petitioner may seek necessary relief before the Debts Recovery Tribunal. There shall be no order as to costs. Consequently, W.M.P.Nos.34800 and 34804 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

03.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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

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