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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **27.12.2024**

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No. 39800 of 2024
And
W.M.P.No. 43113 of 2024

Shri N.Shanmugasundaram

... Petitioner

..Vs..

1. IDBI Bank of India
115, Anna Salai,
Saidapet, Chennai – 600 015
2. Sri Narayana Textiles Private Ltd.,
Visalakshi Nagar,
Madurai – 625 401.
3. N.Palaniappan
4. Smt.Visalakshi
5. Shri.N.Lakshmanan
6. Smt. Meenakshi
7. Smt. T.Visalakshi
8. Smt.T.Saraswathi
9. Smt. T.Uma
10. Shri. T.Narayanan



11. M/s. Avenue SuperMarts Ltd.,
Anjaneya CHS Limited, Orchard Avenue
Hiranmdani Foundation School, POWA,
1, Mumbai, Maharashtra – 400 076.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus forbearing the first respondent from proceeding further on the Amended Order of attachment dated 11.05.2017 in DRC.No.211 of 2007, renumbered as TRC.No.1527 of 2023 pending adjudication of the petitioner's I.A.Sr.No.17178 of 2024 in TRC.No. 1527 of 2023 before the Debt Recovery Tribunal – III, Chennai.

For Petitioner :: Mr. T.D.Vasu

ORDER

(Delivered by **V. LAKSHMINARAYANAN, J.**)

The petitioner claims that he has a share in the ancestral property. The first respondent has attached the said property pursuant to the orders passed in DRC No. 211 of 2007 dated 11.05.2017. Feeling aggrieved by the attachment and since he claims share in the property, he has approached the Debt Recovery Tribunal -III at Chennai by way of a claim petition in I.A.Sr.No.17178 of 2024. Since there is no Presiding Officer in Debt Recovery Tribunal -III at Chennai, the present Writ Petition has been presented.



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2. The plea that has been raised by the writ petitioner has to be properly adjudicated and if necessary after recording evidence only, by the Debt Recovery Tribunal. The claim petition cannot be a subject matter of the Writ Petition. Therefore, we direct the Registrar, Debt Recovery Tribunal at Chennai, to transfer the papers from Debt Recovery Tribunal -III at Chennai to either Debt Recovery Tribunal -I at Chennai or Debt Recovery Tribunal -II at Chennai. On such transfer, the Presiding Officer, who gets jurisdiction to deal with the application and shall number the claim petition and proceed to deal with in accordance with law.

3. The Writ Petition stands disposed of. Consequently, connected Civil Miscellaneous Petition stands closed. No costs.

(S.M.S.J.) & (V.L.N.J.)

27.12.2024

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To



Debt Recovery Tribunal -III,
Chennai.

S.M. SUBRAMANIAM, J.
And
V. LAKSHMINARAYANAN, J.

vsg

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