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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. 39807 of 2024
And
W.M.P.Nos. 43142 & 43143 of 2024

1. M/s. Mahalakshmi Transports
Proprietor A.Ravikumar
S/o. Arunachalam,
No.437/1, L & T, Bye Pass Road
Near Noyyal Bridge, Irugur Post
Coimbatore – 641 016.
2. A.Ravikumar ... Petitioners

..Vs..

1. Tamilnad Merchantile Bank
Rep. By its the Authorised Officer
D.No.327-329, Trichy Road
Opposite to Sriram Hospital
Singanallur – 641 005.
2. Kanakaraj ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondent No.1 not to dispossess the writ mentioned property which is an extent of 998 sq.ft., situated at SF No. 227, Sowripalayam Village, Coimbatore Corporation, Coimbatore Taluk and District together with building constructed there at bearing Door Nos. 75-76, Peelamedu



Main Road, Coimbatore pending disposal of S.A.No. 648/2024 and S.A.No. 896 of 2024 on the file of Debt Recovery Tribunal at Coimbatore.

For Petitioners :: Mr. M.Saravanakumar

ORDER

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

The petitioners seek for a Writ of Mandamus not to dispossess from the properties situated at S.No. 227, Sowripalayam Village, Coimbatore Taluk and District pending disposal of S.A.Nos. 648 and 896 of 2024.

2. The plea of the petitioner is that as against the proceedings initiated under SARFAESI Act, the petitioners had preferred two Appeals before the Debt Recovery Tribunal at Coimbatore. Since there is no Presiding Officer, they have filed the present Writ Petition.

3. We are aware that the Debt Recovery Tribunal, Coimbatore, is being named by the Presiding Officer, traveling from Debt Recovery Tribunal, Madurai, it is for the petitioners to move the scheme for an interim order.



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4. The Writ Petition cannot be used as a stop gap attachment for obtaining interim orders in Appeals pending before the Debt Recovery Tribunal. Leaving it open to the petitioners to approach the Debt Recovery Tribunal by way of stay application, this Writ Petition stands dismissed. Consequently, connected Civil Miscellaneous Petitions stand closed. However, there shall be no order as to costs.

(S.M.S.J.) & (V.L.N.J.)
27.12.2024

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



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

vsg

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