



W.P.(MD) No.2600 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.2600 of 2024
and W.M.P.(MD) No.2622 of 2024**

K.Moorthy

... Petitioner

-VS-

The Authorized Officer,
M/s.Shriram Finance Ltd.,
(Formerly M/s.Shriram City Union Finance Ltd.,)
Branch Office at Shriram House,
11th Cross, Ramachandrapuram,
Thillainagar, Trichy.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Debts Recovery Tribunal to dispose the S.A.No.651 of 2023 on merits within a time frame.

For Petitioner : Mr.T.Thevan

For Respondent : Mr.A.Ganesh



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the Debts Recovery Tribunal, Madurai, to dispose the S.A.No.651 of 2023 within a time frame.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.

3. According to the petitioner, the order dated 31.08.2023, passed by the Chief Judicial Magistrate, Coimabatore, in CrI.M.P.No.26379 of 2023 under Section 14 of the SARFAESI Act, 2002, is *per se* illegal since the Schedule of Property has not been shown in the order. Hence, challenging same, the petitioner has filed S.A.No.651 of 2023 and the same is pending. There is no possibility of disposing the said application in the near future. If the said application is not disposed of within a stipulated time, the petitioner will be put to great hardship. Hence, the Writ Petition.



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4. This Court also heard the learned counsel for the respondent on the said submissions. He has no serious objection for the early disposal of the SARFAESI Application.

5. Considering the grievances expressed by the petitioner, this Court direct the Debts Recovery Tribunal, Madurai, to dispose of S.A.No.651 of 2023 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

6. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
08.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

The Debts Recovery Tribunal,
Madurai.



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and
R.VIJAYAKUMAR, J.

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