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W.P.(MD)No.21868 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.21868 of 2024
and
W.M.P.(MD)No.18524 of 2024

Jai Kavitha

... Petitioner

-VS-

1.The Managing Director & CEO,
Canara Bank Ltd., 112, J C Road,
Bangalore- 560 002.

2.The Authorized Officer,
M/s.Canara Bank (Erstwhile Syndicate Bank),
ARM Branch, 1st Floor, Williams Road,
Trichy.

3.M/s.Canara Bank (Erstwhile Syndicate Bank),
Rep. by its Senior Manager, 80 Feet Road,
Sengunthapuram,
Karur- 639 002.

4.S.R.Manickavasagam

5.S.R.Manickavasagam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus calling for the records comprised
in the impugned possession notice dated 27.08.2011 issued by the 3rd



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respondent under Section 13(4) of the SARFAESI Act, 2002 and quash the same as arbitrary, illegal and fraudulent and consequently forbear the respondents 2 to 3 from initiating any proceedings under SARFAESI Act against the petitioner on the basis of the possession notice dated 27.08.2011.

For Petitioner : Mr.Raguvaran Gopalan

For Respondents : Mr.Ramesh
Senior Counsel
for Mr.D.Shanmugaraja Sethupathi
for R2 & R3

: No appearance for R4 & R5

ORDER

[Order of the Court was made by **R.SUBRAMANIAN, J.**]

Though challenge in this writ petition is to the order made under Section 13(4) of the SARFAESI Act on 27.08.2011, after certain arguments, we find that the issues raised by the petitioner are more or less factual and the same cannot be conventionally gone into under Article 226 of the Constitution of India. At the same time, we find that the original application as well as the securitization application was pending before the Debt Recovery Tribunal, Coimbatore, in O.A.No.1277 of 2016 and S.A.No.182 of 2015. In fact, these proceedings which were pending before the Debt Recovery Tribunal, Madurai were transferred to the Debt



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Recovery Tribunal, Coimbatore as per the orders of this Court in C.R.P(MD)No.1897 of 2019 and the Division Bench has also directed the Debt Recovery Tribunal to take up O.A.No.1277 of 2016 first and allow the parties to agitate all the issues and then consider S.A.No.182 of 2015. It is also on record that the Debt Recovery Tribunal, Coimbatore remains unmanned, whereas the Debt Recovery Tribunal, Madurai has got Presiding Officer.

2. Mr.Raguvaran Gopalan, learned counsel appearing for the petitioner would submit that he would be satisfied if the Debt Recovery Tribunal disposes all these applications within a time frame. Since proceedings which were pending before the Debt Recovery Tribunal, Madurai were directed to be transferred to Debt Recovery Tribunal, Coimbatore for early disposal and the said object has not been achieved and the Debt Recovery Tribunal, Coimbatore remains vacant today, we re-transfer the O.A.No.1277 of 2016 and S.A.No.182 of 2015 to the Debt Recovery Tribunal, Madurai to be disposed of expeditiously, preferably, within a period of six months as per the directions contained in paragraph No.8 of the order of the Division Bench made in C.R.P(MD)No.1897 of 2019. All questions arising in the proceedings before the Debt Recovery Tribunal are to be decided by the Debt Recovery Tribunal as per the



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directions issued in para No.8 of the judgement stated supra.

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3. In the light of the reasons supra, we do not interfere in this writ petition. The writ petition is therefore disposed of with directions to the Debt Recovery Tribunal, Madurai, to dispose of O.A.No.1277 of 2016 and S.A.No.182 of 2015 directed to be transferred to its file as stated above. No Costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (L.V.G., J.)
21.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

PJL

To

1. The Presiding Officer,
Debt Recovery Tribunal,
Madurai.

2. The Presiding Officer,
Debt Recovery Tribunal,
Coimbatore.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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