



W.P.(MD) No.22046 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

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

**W.P.(MD) No.22046 of 2024
and
W.M.P.(MD)No.18676 of 2024**

M.Balakrishnan

... Petitioner

-VS-

1.State Bank of India,
Rep. By its Authorized Officer,
SARB- Branch,
Madurai – 625 020.

2.The Branch Manager,
State Bank of India,
SME-BRanch,
Kamarajar Salai,
Madurai – 625 009.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the Presiding Officer, Debt Recovery Tribunal, Madurai in I.A.No.731/2024 in S.A.No.74/2024, dated 24.07.2024 and quash the same as illegal and to appoint a Chartered Accountant of respondents Bank to verify the petitioner Account Statement No.35317882417.



W.P.(MD) No.22046 of 2024

For Petitioner
For Respondents

: Mr.M.Solaisamy
: Mr.P.Pethu Rajesh

WEB COPY

ORDER

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

Mr.P.Pethu Rajesh, learned counsel takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner is attempting to make an issue out of a non issue. Having moved the Debt Recovery Tribunal, challenging the sale notice and having obtained the stay, it is clear that the intention of the petitioner is only to drag on the proceedings. The Debt Recovery Tribunal has given appropriate reasons for rejecting the prayer in I.A.No.731 of 2024, which is to appoint a competent Chartered Accountant to recheck the account statement.

3.A perusal of the account statement would show that all the amount that have been received from the petitioner have been given credit to. If it is the case of the petitioner that certain amount, which is paid by him would not given credit to, it is open to him to raise the issue before the Debt Recovery Tribunal based on the account statement that has been produced before the Tribunal. We see no reason to interfere in the Writ Petition.



W.P.(MD) No.22046 of 2024

WEB COPY

4.Hence, the Writ Petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

18.09.2024

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



WEB COPY



W.P.(MD) No.22046 of 2024

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

Mrn

W.P.(MD) No.22046 of 2024

18.09.2024