



W.P(MD)No.25805 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM :

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

**W.P(MD)No.25805 of 2024
and
W.M.P.(MD)No.21901 of 2024**

S.Ramuthai

... Petitioner

vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Teppakulam Police Station, Madurai.

3.Tamilnad Mercantile Bank,
Rep. by its Authorized Officer,
Madurai Main Branch,
51, East Avanai Moola Street,
Madurai 625 001

4.Anitha, W/o.Prathap Kannan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioner's possession and enjoyment of the property comprised in T.S.No. 2347, House Plot No.2, Town Survey Ward No.1, Block No.48, Sri Ram Nagar, Anuppanadi Village, Madurai District, till the matter is finally decided by the Debts Recovery Tribunal, Madurai, in the SARFAESI Application filed in



W.P(MD)No.25805 of 2024

S.A.SR.No.1660 of 2022 after deciding the delay condonation application on merits.

For Petitioner : Mr.R.Aravindan
For R1 and R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal side)
For R3 : M.T.Thevan
Standing Counsel

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge made by the petitioner to a sale conducted by the respondent Bank on 20.01.2022 was a subject matter of a Securitization Application in S.A.SR.No.1660 of 2022. This Court had passed an order in W.P.(MD)Nos. 15148 and 15350 of 2022, directing the Debts Recovery Tribunal, Madurai, to dispose of the Securitization Application, within a time frame.

2. The said application was dismissed for non-appearance of the petitioner. The petitioner filed I.A.No.95 of 2023, for condonation of delay in seeking restoration of the Securitization Application. The said delay petition was dismissed by the Debts Recovery Tribunal, by order dated 23.12.2022. This order was challenged in W.P.(MD)No.5632 of 2023. We had, by our order dated 15.03.2023, allowed the Writ Petition and required the Debts Recovery Tribunal, Madurai, to dispose of S.A.SR.No.1660 of 2022, as expeditiously as



W.P(MD)No.25805 of 2024

possible. In the interregnum, an order was passed by the learned Chief Judicial Magistrate, Madurai, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 17.05.2022 and that was made subject matter of challenge in S.A.SR.No.296 of 2023. Hence, as of today, both the Securitization Applications are pending before the Debts Recovery Tribunal, Madurai.

3. It is the claim of the petitioner that even during the pendency of the said applications, the respondent Bank is trying to take possession of the secured asset, pursuant to the orders passed by the learned Chief Judicial Magistrate, Madurai.

4. We had directed early disposal of S.A.SR.No.1660 of 2022 even as early as on 15.03.2023. Though more than a year and a half has passed, the matter remains pending. In view of the said pendency, the parties are put to difficulties. Hence, there will be a direction to the Debts Recovery Tribunal, Madurai, to dispose of both the Securitization Applications in S.A.SR.No.1660 of 2022 and S.A.SR.No.296 of 2023 at the earliest, at any rate, within a period of six months from the date of receipt of a copy of this order. The respondent Bank will refrain from taking possession till the disposal of these applications by the Debts Recovery Tribunal, Madurai.



W.P(MD)No.25805 of 2024

5. This Writ Petition is disposed of with the above directions. No costs.

Consequently, connected Miscellaneous Petition is closed.

(R.S.M, J.) (L.V.G, J.)
25.10.2024

Index : No
Neutral Citation : No
smn2

Copy to:-

The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Teppakulam Police Station, Madurai.



WEB COPY



W.P(MD)No.25805 of 2024

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

smn2

ORDER MADE IN
W.P(MD)No.25805 of 2024
DATED : 25.10.2024