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W.P.Nos.16004 and 16005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.16004 and 16005 of 2024  
and W.M.P.Nos.17466, 17467, 17469, 17470 of 2024  
and 41268 and 41270 of 2024

1.I.Shanmugadurai & Firm

Rep. by its Proprietor I Shanmugadurai,  
Old No.42, New No.96, Paper Mills Road,  
Perambur, Chennai- 600 011.

2.I.Shanmugadurai

S/o.Late Iyyam Perumal Nadar,  
Old No.42, New No.96, Paper Mills Road,  
Perambur, Chennai- 600 011.

3.Amritha Shree

Old No.42, New No.96, Paper Mills Road,  
Perambur, Chennai- 600 011.

Petitioners  
in both WPs

Vs



W.P.Nos.16004 and 16005 of 2024

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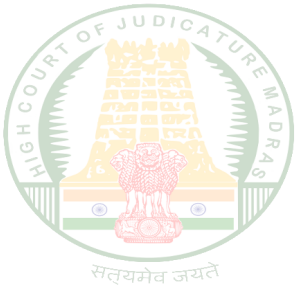
1.ASREC (India) Limited  
Room No.3, III Floor, Wellington Estate,  
53, Ethiraj Salai,  
Egmore, Chennai-600 008.

2.The Recovery Officer  
Debt Recovery Tribunal-II,  
Chennai.

Respondents  
in both WPs

PRAYER in W.P.No.16004 of 2024: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the Case in SR.No.3218 of 2024 in TRC No.861 of 2023 in D.R.C No.119/ 2023 (on the file of the DRT-1 Chennai) in O.A.No.179 of 2018 (on the file of the DRT-1 Chennai ) pending on the file of the Debts Recovery Tribunal-II, Chennai and quash the order dated 16.05.2024, in so far as the order appointing Advocate Commissioner and permitting the respondent herein from taking physical possession as illegal, unconstitutional, ultra vires and without jurisdiction and consequentially issue a direction, directing the 2nd respondent to exercise the jurisdiction vested in him under the provisions of the Recovery of Debts and Bankruptcy Act, 1993 and Debt Recovery Tribunal Regulations, 2015.

PRAYER in W.P.No.16005 of 2024: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the Case in MA. No.138 of 2024 in TRC No.861 of 2023 in D.R.C No.119/2023 (on the file of the DRT-1 Chennai) in OA No.179 of 2018 (on the file of the DRT-1 Chennai) pending on the file of the Debts Recovery Tribunal-II, Chennai and quash the order dated 16.05.2024, as illegal, unconstitutional, ultra vires and without jurisdiction and consequentially directing the 2nd respondent to raise the order of attachment dated 19-01-2024 and to exercise only jurisdiction vested in him under the provisions of the Recovery of Debts and Bankruptcy Act, 1993 and Debt Recovery Tribunal Regulations, 2015.



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W.P.Nos.16004 and 16005 of 2024

For Petitioners:

Mr.V.Anilkumar

For Respondents:

Mr.C.Harsha Raj  
for M/s. Raj and Raj Associates  
for respondent No.1

R2 – Tribunal

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. Two petitions have been filed by the petitioners challenging the attachment order as well as order taking possession before this Court without exhausting the alternative remedy.

3. We find that, initially, on the petitioners' own statement, this Court had granted indulgence that the petitioners should deposit Rs.5.00 Crores in two installments.

4. Learned counsel for the first respondent would submit that till date not a single penny is deposited.



W.P.Nos.16004 and 16005 of 2024

5. Though learned counsel for the petitioners seeks to explain the reason for not depositing the amount, we find that there is no reason why the writ Court should come to the aid of the petitioners in exercise of its discretion, particularly, when the indulgence granted once was not complied with by the petitioners.

6. The writ petitions are dismissed with liberty to approach the Debts Recovery Tribunal. There shall be no order as to costs. The interim order granted stands vacated and W.M.P.Nos.41268 and 41270 of 2024 are allowed. W.M.P.Nos.17466, 17467, 17469, 17470 of 2024 are dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)  
16.09.2025

Index : Yes/No  
Neutral Citation : Yes/No  
bbr

To:

The Recovery Officer  
Debt Recovery Tribunal-II,  
Chennai.



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W.P.Nos.16004 and 16005 of 2024

THE HON'BLE CHIEF JUSTICE  
AND  
G.ARUL MURUGAN,J.

bbr

W.P.Nos.16004 and 16005 of 2024

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