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W.P.No.39288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.39288 of 2025

and W.M.P.Nos.44095 and 44100 of 2025

N.Maheshkumar
S/o.Nanjundappan
No.85, Thiru Vi Ka Street
Punchaipuliyampatti
Erode - 638 459.

Petitioner

Vs

1.Eric Stephen
Managing Director
Hotel Riga Residency "KARLOVNA",
No.15, Appleby Road, Wellington,
The Nilgiris - 643 232.

2.UCO Bank
Rep. by its Authorized Officer
Coonoor Branch, YMCA Corner,
Mount Road, Coonoor,
Nilgiris - 643 101.

3.The Registrar
Debt Recovery Appellate Tribunal
Shastri Bhavan, Haddows Road,
Chennai-600 006.



W.P.No.39288 of 2025

WEB COPY

4.The Registrar
Debts Recovery Tribunal,
Coimbatore.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the order dated 29.09.2025 passed in M.A. No.38 of 2025 on the file of the Debt Recovery Appellate Tribunal, Chennai in confirming the order dated 04.12.2023 passed by the 4th respondent Tribunal in I.A.No.4136 of 2023 in S.A.No.118 of 2024, quash the same and consequently direct the 2nd respondent bank to hand over vacant possession of the property purchased by the petitioner in the e-auction conducted by the 2nd respondent bank.

For Petitioner: Mr.J.Pothiraj

ORDER

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

Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner would submit that the Debts Recovery Tribunal as well as the Debt Recovery Appellate Tribunal have committed gross illegality in condoning the delay in filing the appeal. He would submit that the Debts Recovery



W.P.No.39288 of 2025

Tribunal passed an order condoning the delay by assigning reasons, and the Debt Recovery Appellate Tribunal, by the impugned order dated 29.9.2025, upheld the order on the consideration that the order passed by the Chief Judicial Magistrate came to the knowledge of the first respondent only after receipt of the notice from the Advocate Commissioner dated 21.9.2023.

3. Having gone through the aforesaid submission and as no judgment was placed before us which precludes the authorities from passing the impugned order, we are not inclined to interfere with the order, as it only relates to entertaining of application on the consideration that the first respondent filed application before the Debts Recovery Tribunal as and when he came to know about the passing of the order under Section 14 of the SARFAESI Act, 2002 by the Chief Judicial Magistrate.

4. The petition is, therefore, dismissed. It is made clear that this court has not expressed any opinion on the merits of the case. The Debts Recovery Tribunal shall examine the issue in hand



W.P.No.39288 of 2025

without being influenced by this order.

WEB COPY

5. Before parting with the case, taking into consideration that the petitioner is an auction purchaser, the Debts Recovery Tribunal shall do well to dispose of the case pending before it as expeditiously as possible, without granting unnecessary adjournment to any of the parties.

There shall be no order as to costs. Consequently, interim applications stand closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
23.10.2025

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.P.No.39288 of 2025

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WEB COPY

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

(sasi)

W.P.No.39288 of 2025

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