



WEB COPY



W.P.No.40171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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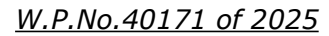
The Authorised Officer
Union Bank of India
Asset Recovery Branch
Rep. by Authorized Officer/Chief Manager,
PB No.8, 235, 1st Floor,
Oppanakara Street,
Coimbatore – 641 001.

.. Petitioner

VS

1.Jayaram Textiles,
Rep. by its Partner, PM Thirumoorthy
No.256/2, Sollakatupalayam,
Mopperipalayam,
Coimbatore – 641 659.

2.P M Thirumoorthy
S/o. Late Marappa Gounder,
presently at
No.256/2, Sollakatupalayam,
Mopperipalayam,
Coimbatore - 641 659.
Also at 16C MGR Nesavalur Colony,
Karumathampatti, Somanur,
Coimbatore – 641 654.



S/o. Late Marappa Gounder
presently at No.256/2, Sollakatupalayam,
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Coimbatore - 641 654.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the DRT, Coimbatore to take up and dispose of SA No.1058 of 2024 within a time frame fixed by this Court.

For Petitioner(s): Ms.Ananda Gomathy



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ORDER

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

This writ petition has been filed seeking issuance of a direction to the Debts Recovery Tribunal, Coimbatore, to decide the petitioner's pending case, as per the direction of the Hon'ble Supreme Court in *Indian Overseas Bank v. Radhey Infra Solutions (Pvt.) Ltd and others*¹.

2. We have perused the order passed by the Hon'ble Supreme Court in the case of *Indian Overseas Bank v. Radhey Infra Solutions (Pvt.) Ltd and others* (supra), wherein it has been held as below:

"1. Leave granted.

2. We are of the opinion that notice need not be issued to the respondents in this appeal in the light of the order that we propose to pass, which is strictly in keeping with the statutory mandate and no more.

3. The grievance of the appellant, Indian Overseas Bank, is that the Debts Recovery Tribunal, Dehradun, is not deciding Securitisation Application No.264 of 2024 filed

¹ 2025 SCC OnLine SC 2199



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by M/s.Radhey Infra Solutions (Pvt.) Ltd., respondent No.1, expeditiously. The complaint made in this regard by the appellant, Indian Overseas Bank, before the High Court failed to evoke a positive response, as the High Court merely took note of the statutory provision and observed that it would not be proper to issue a direction in the light thereof. Liberty was, however, given to the appellant to show the relevant provision to the DRT, Dehradun.

4. We are informed that even after the passing of the aforestated order in July, 2025, the matter has not been decided by the DRT, Dehradun, till date.

5. We may only take note of Section 17(5) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, which reads as under:

xxx xxx xxx

(5) Any application made under sub-section (1) shall be dealt with by the Debts Recovery Tribunal as expeditiously as possible and disposed of within sixty days from the date of such application:

Provided that the Debts Recovery Tribunal may, from time to time, extend the said period for reasons to be recorded in writing, so, however, that the total period of pendency of the application with the Debts Recovery Tribunal, shall not exceed four months from the date of



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making of such application made under sub-section(1).

xxx

xxx

xxx

6. Once the statute itself mandates that the DRT should dispose of the matter within the stipulated time, it is incumbent upon the DRT, Dehradun, to abide thereby. Further, in the event it fails to do so, the proviso to Section 17(5) ordains that reasons need to be recorded. We find from the orders passed by the DRT, Dehradun, that this statutory direction has also not been respected.

7. We, accordingly, dispose of the appeal directing the DRT, Dehradun, to take note of the statutory mandate under Section 17(5) of the SARFAESI Act and act accordingly without further delay.

8. Pending application(s), if any, shall stand disposed of."

3. The order of the Hon'ble Supreme Court is required to be complied with by the Debts Recovery Tribunal. The petitioner is, therefore, directed to place a copy of this order before the Debts Recovery Tribunal for passing appropriate orders in the pending application, in compliance with the order of the Supreme Court, referred supra.



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Writ petition is disposed of accordingly. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
25.10.2025

Index : Yes/No
Neutral Citation : Yes/No
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To:
The Debts Recovery Tribunal,
Coimbatore.



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

(sasi)

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