



W.P(MD)No.11175 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.11175 of 2025

Nainar K Makdoom

... Petitioner

Vs

The Authorized Officer,
State Bank of India,
Tirunelveli Branch,
No.25 and 25A, S.N.High Road,
Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Debts Recovery Tribunal, Madurai to dispose the S.A.No. 140 of 2018 within stipulated time may be fixed by this Court.

For Petitioner : Mr.K.Esakki
For Mrs.N.Revathi,

For Respondent : Mr.T.Thevan



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ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The relief sought for in the writ petition is to direct the Debt Recovery Tribunal to dispose of the second appeal in S.A.No.140 of 2018.

2. Routine direction, if issued by the High Court, directing the District Courts or the Tribunals to dispose of the cases by fixing a time limit would do no service to the cause of justice. Further, the District Courts or the Tribunals may not be in a position to implement such orders on account of various factors and practical difficulties. To dispose of a particular case by the Trial Court, co-operation of the litigants and lawyers are required and therefore, the mitigating factors prevailing in the District Courts or the Tribunals are also to be ascertained for issuing a direction to dispose of the matters within the time limit. The workload involved in the particular court, nature of cases to be disposed of, number of documents to be scrutinized, number of witnesses to be examined and number of interlocutory applications pending etc., are to be taken into

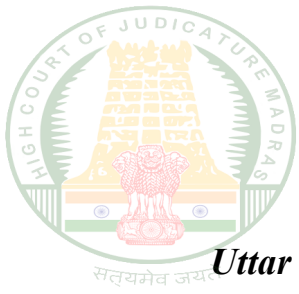


consideration before issuing a direction for early disposal of a case.

Without taking into consideration these factual scenario, if any direction is issued to dispose of a matter by fixing a time limit, the courts may not be in a position to dispose of the matter, but they are forced to send official letters to the Registry of the High Court seeking extension of time and such a procedure would not only cause pressure on the Judicial Officer concerned, but it is an unnecessary effort. Therefore, before issuing any such direction, the High Court is expected to restrain and consider all the facts and circumstances, including the urgency involved in a particular case for early disposal.

3. Direction to dispose of one matter by fixing a time limit would also result in infringing the rights of all other litigants, who all are waiting for disposal of their respective cases. Therefore, issuing a direction to a particular case selectively would cause prejudice to the other litigations pending before the court concerned.

4. The Constitution Bench of the Hon'ble Supreme Court of India in the case of the ***High Court Bar Association of Allahabad Vs. State of***



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Uttar Pradesh and Ors. reported in [2024 (6) SCC 267] made observations as follows:-

“47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;”

5. Therefore, writ petitions filed seeking a direction to the District Courts or the Tribunals to dispose of the main cases shall not be entertained ordinarily. However, such directions are to be issued, if required, by ascertaining all the facts and circumstances in a practical manner and considering the urgency involved in the particular case. Such directions are to be issued only in exceptional circumstances. The District Courts or the Tribunals are expected to regulate the works on their board and dispose of the matters as expeditiously as possible by



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taking into consideration the facts and circumstances of each case.

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6. With the above observations, this writ petition stands dismissed.

No costs.

[S.M.S., J.] [G.A.M., J.]
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Index: Yes/No
Internet: Yes/No
NCC: Yes/No

LR



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