



W.P.(MD).No.10454 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD).No.10454 of 2023
and
W.M.P.(MD).Nos.9283 and 9285 of 2023
and 12575 of 2024**

1. T.Sankarasubramaniam

2. K.P.Tirumalai

... Petitioners

-Vs-

1. The Debts Recovery Tribunal,
IV, Floor , Kalyani Tower,
Melur Road, Madurai.

2. The Authorized Officer,
City Union Bank Limited.,
Credit Recovery and Management Department,
Narayana Administrative Officer,
No.24-B Gandhi Nagar,
Kumbakonam - 612001.



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3. The Branch Manager,
City Union Bank Limited,
Srivilliputhur Branch,
Srivilliputhur.
4. The District Registrar,
O/o.The District Registrar Office ,
No.58/1, Cutcheri Road,
Virudhunagar District - 626 001.
5. The Executive Officer,
W.Pudhupatti Municipality Office,
W.Pudhupatti and Watrap Taluk,
Virudhunagar District - 626 132.
6. The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Watrap Taluk, Virudhunagar District.
7. R.Shanmugapriya

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus forbearing the respondents 4 to 6 from mutation the records in favour of the 7th respondent based on the sale certified issued by the 3rd respondent in Doc.No.1477/2022 dated 03.08.2022 on the file of Sub-Registration Office , Watrap pursuant to the property of Sri Renganathar Rice Mills in any manner till disposal of the original Application filed by the petitioner and his father in Original Application No.NDN/191/2023 (SA SR No.285/2023) in I.A.No.259 of 2023, pending on the file of the 1st respondent /Debts Recovery



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WEB COURT Tribunal, Madurai based on his representation dated 28.03.2023 within the time limit stipulated by this Court.

For Petitioners : Mr.G.Thalaimutharasu
For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader
For R-2 & R-3 : Mr.V.S.Karthi
Standing Counsel

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Counsel for petitioners states that sale notice has been challenged in the Debt Recovery Tribunal also.

2.We are not inclined to entertain the writ petition under Article 226 of the Constitution of India for the same relief. Petitioner may apply to the Debt Recovery Tribunal for early hearing of the same. Debt Recovery Tribunal may consider the application.

3.Counsel for petitioner states that the matter before the Debt Recovery Tribunal is getting adjourned repeatedly only due to the Bank not filing



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counter. Counsel for Bank states that he has no instructions but if the counter yet has not been filed as stated by petitioner's counsel, the same will be filed within a period of three weeks from today. Statement accepted as undertaking by the Bank not just that of the Branch Manager. We make it clear if a counter is not filed, the Debt Recovery Tribunal will forfeit the right of the Bank to file a counter and decide the securitisation appeal without one.

4.Writ Petition is disposed. There shall be no order as to costs.

Consequently, the interim applications are closed.

[K.R.SHRIRAM., C.J.]

[V.LAKSHMINARAYANAN,J.]

13.02.2025

NCC : Yes / No

Index : Yes / No

LR

To

The Debts Recovery Tribunal,
IV, Floor , Kalyani Tower,
Melur Road, Madurai.



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THE HON'BLE CHIEF JUSTICE
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V.LAKSHMINARAYANAN, J.

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