

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 12-02-2015

Coram

The Honourable Mr. Justice SATISH K. AGNIHOTRI
and

The Honourable Mr. Justice M. VENUGOPAL

W.P.No.32009 of 2014
and M.P.No.1 of 2014

1 Lakshmikanthan Manoharan
S/o.R.Lakshmikanthan Now residing
at No.35-
A 2nd Floor Pillayar Koil Street
Rajaji Nagar Thiruvannamiyur
Chennai-41

Petitioner

Vs

1 M/s.Phoenix Arc Private ltd.
7th Floor Dani Corporate Park No.158
C.S.T.Road Kalina Santacruz (E)
Mumbai 400 098
rep. by its Authorised Signatory
Mr. Amit Kumar Gupta

2 Jayanthi
W/o.L.Manoharan Now residing at No.35-A
2nd Floor Pillayar Koil Street Rajaji
Nagar Thiruvannamiyur Chennai-41

3 The Chief Metropolitan Magistrate
Egmore Chennai-8 Respondents

Petition filed under Article 226 of the Constitution of India
praying for a writ of certiorari fied mandamus to call for the
records pertaining to the order dated 23.7.2014 passed in
Crl.M.P.No.4732/2014 on the file of the 3rd respondent and quash
the same as illegal arbitrary and against principles of natural
justice and consequentially restore possession to the petitioner

For petitioner

Mr. V. Parthiban

For respondents

Mr. R. Imayavaramban
for M/s.Ramalingam Associates for R1

JUDGMENT

(Judgment of the Court is delivered by SATISH K. AGNIHOTRI,J.)

In the light of the judgment in Kanaiyalal Lalchand Sachdev Vs. State of Maharashtra (2011 (2) SCC 782), the learned counsel for the petitioner submit that he may be permitted to withdraw the writ petition with a liberty to approach the Debt Recovery Tribunal. He has also made endorsement as under:

"In the light of the decision of the Hon'ble Apex Court reported in 2011 (2) SCC 782, the petitioner seeks permission to withdraw WP 32009/2014 with liberty to approach the DRT against the order passed by the learned CMM, Egmore on 23/07/2014 in CrI MP 4732/14."

In view of the above, the writ petition is dismissed with liberty as prayed for. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

glp

To

The Chief Metropolitan Magistrate
Egmore Chennai-8

2 ccs to M/s. Ramalingam & Associates, . Sr. 7761
2 ccs to M/s. Rajendran Raghavan , Sr. 7693

W.P.No.32009 of 2014

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