

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.13151 of 2015 and M.P. No.1 of 2015

M/s.Gemini Industries & Imaging Ltd.
Represented by its Joint Managing Director
Mr. Manohar Prasad Akkineni
28, New Bangaru Colony
West K.K. Nagar
Chennai 600 078

Petitioner

Vs.

1 M/s. Dewan Housing Finance Corporation Ltd.
Represented by its Authorised Officer
having its Branch Office at
Kalpathika Towers
Old No.24, New No.36, III Floor
Dr. Ambedkar Road
Kodambakkam
Chennai 600 024

2 The Chief Metropolitan Magistrate
Egmore
Chennai 600 008

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records on the file of the respondents relating to the impugned order passed by the second respondent dated 07.03.2015 in CrI.M.P. No.748 of 2015 and to quash the same.

For petitioner Mr. T. Sai Krishnan
for M/s. K.V.S. Phanichander

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to raise all the contentions before the Debts Recovery Tribunal (for short "the Tribunal") and he has also made an endorsement to that effect, as under:

"The petitioner may be permitted to withdraw this w.p. in view of alternate remedy available before DRT and it is prayed that two weeks' time may be granted to the petitioner to move the DRT and till such time, the petitioner's possession may be kindly protected and liberty may be granted to raise all the contentions before the DRT. The original impugned order may also be directed to be returned to the petitioner on substitution of the same with a xerox copy."

2 In view of the above submission and endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn, with liberty as aforesaid, if so advised. Further, it is made clear that status quo as obtained today, in respect of the property in question, shall be maintained for a period of one week. Besides, in the event of the petitioner approaching the Tribunal within a period of one week from the date of receipt of a copy of this order, the same shall be considered by the Tribunal, without reference to limitation aspect. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

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To

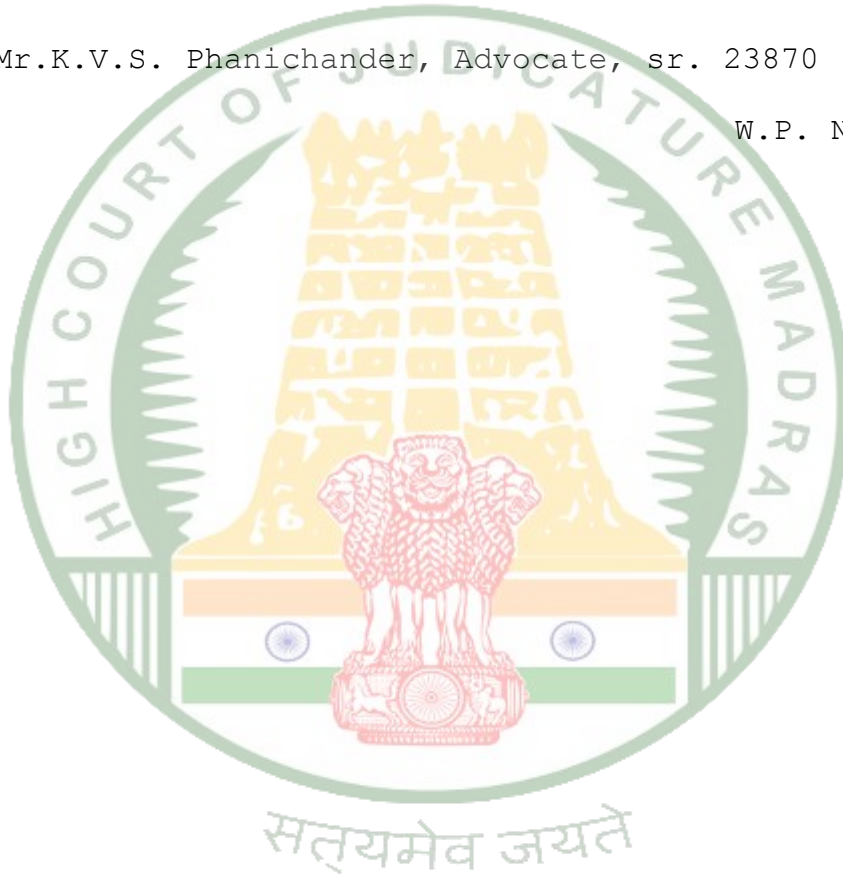
1. The Chief Metropolitan Magistrate
Egmore
Chennai 600 008

2. The Section Officer
Current Section,
High Court, Madras

1 cc to Mr.K.V.S. Phanichander, Advocate, sr. 23870

W.P. No.13151 of 2015

MSM (CO)
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