

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:09-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.16229 of 2015

1 M/s.Kanderi Fruitpack Pvt. Ltd
Rep. by its Managing Director Mr. Madan
Mohan Kanderi.

2 Madan Mohan Kanderi

3 Kavitha Kanderi
W/o.Madan Mohan Kanderi
All at Flat F-1 AGP Sivaniyam
W-811 Syndicate Bank Colony
9th Street , Anna Nagar, West Extension
Chennai-101.

Petitioners

Vs

1 The Authorised Officer /
Assistant General Manager
Bank of Baroda
International Business Branch
45 Moore Street
4th Floor Chennai-1.

2 The Registrar
Debts Recovery Tribunal II
4th Floor ,
Spencer Towers
770 A , Anna Salai, Chennai-2.

3 Mr. D.V.Rao

4 Mrs. Shanthi Kiran
Both No.3 & 4 in 3rd Floor
Rider House 136 ,Sector 44,
Gurgaon-122002.

- 5 Mr. E.Om Prakash
Flat 38 Quarts Quarters, W 372 East Main Road
Anna Nagar West Extn.
Chennai-101.
- 6 M/s.Dandamudi Anaani Pvt. Ltd.
6-3-668/10/5 Durga Nagar Colony
Punjagutta
Hyderabad-500082.
- 7 M/s. KFPL Drums Pvt. Ltd.
Flat F-1 AGP Sivaniyam
W-811 Syndicate Bank Colony
Anna Nagar West Extension
Chennai
- Respondents

(Resp. 3-7 are pro-forma parties and given up).

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records pertaining to the Impugned notice dated 14.5.2015 issued by the 1st respondent quash the same as illegal arbitrary and against principles of natural justice and consequently forbear the 1st respondent or his men or agents or assigns or legal representatives or anyone claiming under him from in any manner invoking any measures under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 against the petitioners until the I.A.No.51/2015 in O.A.No.68/2013 pending on the file of the 2nd respondent reaches its finality

For petitioner :: Mr. R. Nagasundaram

ORDER

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

The petitioners seek permission to withdraw this petition with liberty to take recourse to appropriate forum with a direction to consider the application of the petitioners expeditiously. An endorsement to this effect has also been made as under:

"Petitioners may be permitted to withdraw the Writ Petition with liberty to avail appropriate remedy and expeditious hearing for orders."

2. We, accordingly, dismiss the petition as withdrawn, reserving liberty to the petitioners to take recourse to the appropriate statutory forum. If an application is made before the concerned Tribunal/ authority, the Tribunal/authority is directed to consider the same on merit and in accordance with law and pass orders, expeditiously. No costs. The connected M.P.No.1 of 2015 is also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

glp

To

1 The Registrar
Debts Recovery Tribunal II
4th Floor ,
Spencer Towers
770 A , Anna Salai, Chennai-2.

2. The Authorised Officer /
Assistant General Manager
Bank of Baroda
International Business Branch
45 Moore Street
4th Floor Chennai-1.

1 cc to Mr.R. Nagasundaram , Advocate Sr.No.27640

W.P.No.16229 of 2015

ku(co)
pmk.19.6.2015

सत्यमेव जयते

WEB COPY