

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No.35718 of 2015 and M.P. No.1 of 2015

1 Surender Kumar Sharma
2 Nitish Sharma S.
3 Ashutosh Sharma S.
4 Sarojini Sharma ...Petitioners

vs.

The Authorised Officer/Chief Manager
Indian Overseas Bank
Washermanpet Branch
788, T.H. Road
Washermanpet, Chennai 600 021 ...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records relating to the impugned notice of sale of immovable secured assets dated 28.09.2015 issued under Rule 8(5) and Rule 9(1) of the Security Interest (Enforcement) Rules, 2002 and quash the same as illegal, arbitrary and unsustainable insofar as the proposal to sell the residential house property bearing G-1 in Door No.AH-9 (Old No.215) II Street, Anna Nagar, Chennai 600 040 having an extent of undivided share of 131 sq. metres. in the land out of 5,000 sq. ft. land together with constructed area of 2,452 sq. ft. in ground and first floor area situated at Plot No.3147, R.S. No.40 Part, T.S. No.328, Block No.1/D, Naduvakkarai Village, Chennai Central Egmore, Nungambakkam Taluk situated within Anna Nagar Sub-Registrar Office, though it stands in the name of Smt. Sarojini Sharma but actually a joint family property belonging to the petitioners as well.

For petitioners Mr. M.A. Mudimannan

For respondent Mr. F.B. Benjamin George

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

The learned counsel for the petitioners seeks permission of this Court to withdraw this writ petition with liberty to approach the Debts Recovery Tribunal and has also made an endorsement to that effect as under:

"May be permitted to withdraw the W.P. and kindly grant a liberty to move to DRT for further action and thus render justice."

2 In view of the above submission and endorsement made by the learned counsel for the petitioners, this writ petition is dismissed as withdrawn, with liberty as aforesaid, if so advised. Costs made easy. Connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

cad

To

The Authorised Officer/Chief Manager
Indian Overseas Bank
Washermanpet Branch
788, T.H. Road
Washermanpet, Chennai 600 021

+1 CC to MR.K.Jayachandran Advocate. SR.NO. 60900

+1 CC to MR.F.B. Benjamin George Advocate. SR.NO.60589

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W.P. No.35718 of 2015

CO-SVI
JD 20/11/2015