

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/12/2016

C O R A M

The Honourable Mr.Justice S.Manikumar
and
The Honourable Mr.Justice M.Govindaraj

Writ Petition No.29406 of 2014

Mukesh F. Sheth

...

Petitioner

Vs

1. The Authorised Officer
Indian Overseas Bank
Nungambakkam Branch
No.109 Nungambakkam High Road
Chennai 600 034.

2. Mr.E.Venkatesh Babu

3. Mrs.V.Vijayalakshmi

4. Mr.L.Sathyanarayanan

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the first respondent from invoking the SARFAESI Act, as against the property more fully described in the schedule appended to the petition, in any manner, except under due process of law.

For petitioner ... Mr.V.Kalyanaraman

For respondents ... Mr.F.B.Benjamin George
for R.1

No appearance for R.R.2 to 4.

WEB COPY

O R D E R

(Order of the Court was made by S.Manikumar,J)

Lessee has sought for a writ of mandamus, forbearing the Authorised Officer, Indian Bank, Chennai, from invoking the SARFAESI Act, as against the property more fully described in the schedule appended to the petition, in any manner, except under due process of law.

2. On this day, when the matter came up for hearing, Mr.V.Kalyanaraman, learned counsel for the writ petitioner, seeks permission to withdraw the writ petition and he has also made an endorsement to that effect. Learned counsel appearing for the petitioner also seeks liberty to challenge the proceedings initiated by Indian Overseas Bank, under SARFAESI Act, 2002.

3. In view of the endorsement made by the learned counsel appearing for the petitioner, this writ petition is dismissed as withdrawn. If the petitioner has any right to challenge the action of the Bank, under the provisions of the SARFAESI Act, it is always open for him to do so. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Authorised Officer
Indian Overseas Bank
Nungambakkam Branch
No.109 Nungambakkam High Road
Chennai 600 034.

+1cc to Mr.F.B. Benjamin George, Advocate, S.R.No.73056
+1cc to Mr.V. Kalyanaraman, Advocate, S.R.No.72953

md(11/01/2017)

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