

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM:

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

W.P. No.8449 of 2016 and W.M.P. Nos.7515 and 7516 of 2016

P. Gopal

Petitioner

Vs.

1 Bank of India  
represented by its Authorised Officer  
Chief Manager  
Guindy Branch  
having its office at Mount View Building  
111, Mount Road  
Guindy, Chennai 600 032

2 Sri Vari Enterprises  
represented by its Proprietor  
R. Srinivasan  
residing at 46/58 Chetty Street  
Ayanavaram  
Chennai 600 023

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the first respondent in respect of sale notice bearing Ref.No.CZ: SALE NOTICE: 2015-16:09 dated 12.01.2016 fixing the date of sale as 23.02.2016 issued by the first respondent and the connected corrigendum bearing reference BOI/GDY/SK/2015-16/11 dated 29.01.2016 with reference to the aforesaid sale notice calling on to treat the auction date as 07.03.2016 instead of 23.02.2016 in respect of the e-auction of the property on 07.03.2016 or subsequently pertaining to the property belonging to the petitioner being all that piece and parcel of land together with residential building thereon admeasuring 2070 sq. ft. with the superstructure of 700 sq. ft. situated at Plot No.6, Door No.13, II Cross Street, Anna Complex, Mittanamalli, Avadi, Chennai 600 055 comprised in Survey No.201/5 within the Sub Registration Office-Avadi and Registration District of Chennai South and quash the same and consequently, forbear the first respondent from in any manner proceeding with the sale of the aforesaid property of the petitioner in clubbing the loan transactions beyond the scope of the guarantee given by the petitioner in respect of the loan

transaction of the second respondent with the first respondent.

For petitioner Mr. A. Palaniappan

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

The learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to take recourse to the Debts Recovery Tribunal within a period of one week and has also made an endorsement to that effect as under:

"The petition is hereby withdrawn with liberty to file an application before the appropriate DRT within one week."

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the above submission and endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn, with liberty as aforesaid, if so advised. Costs made easy. Connected W.M.Ps. are closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Authorised Officer  
Bank of India  
Chief Manager  
Guindy Branch  
Mount View Building  
111, Mount Road  
Guindy, Chennai 600 032  
+1 cc to Mr.A.Palaniappan Advocate sr.14364

W.P. No.8449 of 2016

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