



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU
W.P. [MD] .No.20141 of 2015
and
M.P. (MD) .Nos.1 & 2 of 2015

John Joseph

.. Petitioner

Vs.

1.The Federal Bank Ltd.,
Corporate Office: Alwaye,
110, Court Road,
Nagercoil - 629 001.
Kanyakumari District.

2.The Federal Bank Ltd.,
Regd. Office Alwaye,
45, Palayamkottai Road,
Opp to Cruz Fernando Street,
Tuticorin - 628 002.

3.Asset Reconstruction Company Indian Ltd.,
(ARCIL), The Ruby, 10th Floor,
29 Senapatti Bapat Marg,
Dardar (W),
Mumbai.

4.H.Hephzibah

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the impugned notice dated 15.06.2015 on the file of the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.Saji Bino
For respondents 1 & 2 : Mr.R.Pandivel
For 3rd respondent : Mr.Pala Ramasamy

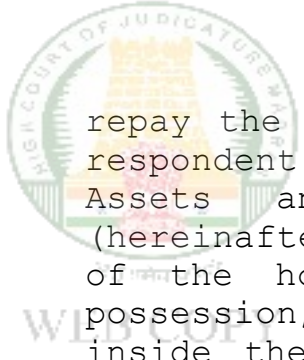
O R D E R

[Order of the Court was made by R.SUBBIAH, J.]

This writ petition has been filed by the petitioner challenging the notice, dated 15.06.2015, issued by the third respondent calling upon the petitioner to collect the articles within 15 days.

<https://hcservices.ecourts.gov.in/hcservices/>

2.It is stated in the petition that the petitioner stood as a guarantor for the loan availed by the fourth respondent in the first respondent Bank. Since the fourth respondent failed to



repay the amount, the first respondent Bank along with the third respondent initiated proceedings under Securitization of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "SARFAESI Act") and took possession of the house of the petitioner. At the time of physical possession, the third respondent found some movables/articles inside the house. Hence, by notice dated 15.06.2015 the third respondent called upon the petitioner to remove the movables/articles which are inside the premises, failing which they will be forced to sell the property along with movables/articles available in the property. Challenging the said notice, the petitioner has come up with this writ petition.

3.Today, when the matter was taken up for hearing, the learned counsel for the respondents Bank submitted that the house property has already been sold through auction on 21.03.2016 itself and sale certificate has also been issued to the purchaser. Hence, the prayer in the writ petition has become infructuous. The said statement is recorded.

4.In view of the above, nothing survives for adjudication in this petition. This Writ petition is, therefore, dismissed as infructuous. If the petitioner has any grievance, he may approach the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

+1 cc to MR.R.PANDIVEL,ADVOCATE, SR NO:81736
+1 cc to MR.PALA RAMASAMY,ADVOCATE, SR NO:81768

gcg
sva/cm/msa/01.02.2017/2p/3c

Order made in
W.P.[MD].No.20141 of 2015
Dated: 19.12.2016