

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE TMT.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8043 of 2017
and
WMP Nos.8294 and 8795 of 2017

Dr.R.Murali

... Petitioner

versus

1. M/s.HDFC Ltd.,
Represented by its Authorised Officer
Mr.R.Jaikumar
having its office at Second Floor
ITC Centre, 760, Anna Salai
Chennai - 600 002
 2. Lourdes Mary Anitha Fernando
 3. Leonard Vasanth
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Declaration to declare that the proceedings in CrI.M.P. No..... of 2016, filed by the 1st respondent before the Chief Metropolitan Magistrate at Egmore is null and void and consequently direct the 1st respondent to consider the petitioner's offer to settle the dues and assign the mortgage in favour of the petitioner.

For Petitioner : Mr.A.Swaminathan

For Respondents : Mr.K.J.Parthasarathy for R1

O R D E R

(made by S.MANIKUMAR, J.)

Contending inter alia that he is a tenant and agreement holder with borrower, petitioner has sought for a writ of declaration, declaring the proceedings in CrI.M.P. No..... of 2016 on the file of Chief Metropolitan Magistrate at Egmore, as null and void, and consequently, prayed for a direction to the

1st respondent to consider petitioner's offer to settle the dues and assign the mortgage in favour of him.

2. After making submissions, Mr.A.Swaminathan, learned counsel for the petitioner, seeks permission of this court, to withdraw the writ petition, to pursue his remedies elsewhere.

3. Permission is granted to withdraw the writ petition. No liberty is granted, insofar as the latter prayer is concerned.

4. Record of proceedings shows that, pursuant to an order made in the writ petition on 05.04.2017, a sum of Rs.20,00,000/- (Rupees twenty lakhs), has been deposited by the petitioner to the credit of housing loan account with M/s.HDFC Ltd. Consequent to the withdrawal of the writ petition, bank is directed to return the above said sum to the writ petitioner, within a week from the date of receipt of a copy of this order.

Writ petition is dismissed as withdrawn. However, there shall be no order as to costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

asr

To

+1cc to Mr.K.J.Parthasarathy, Advocate, S.R.No.49029

+1cc to Mr.A.Swaminathan, Advocate, S.R.No.49015

W.P.No.8043 of 2017

and

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SJ(CO)
CS/08/08/17

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