

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9360 of 2017
and WMP No.10333 of 2017

1. M/s.Tirupur Mills,
rep. by its Partner, C.Gurunathan,
No.93, Rayapuram Main Road,
Tirupur - 641 601.
2. C.Gurunathan,
Partner, Tirupur Mills,
No.93, Rayapuram Main Road,
Tirupur - 641 601. ... Petitioners

vs.

1. Syndicate Bank,
Rep. by its Manager,
Tirupur Branch, Dharapuram Road,
Near Usha Theatre, Tirupur - 641 604.
2. Recovery Officer - I,
Debts Recovery Tribunal,
Office of the Recovery Officer,
1670, Trichy Road, Ramanathapuram,
Coimbatore - 641 015.
3. Union of India,
Ministry of Finance, सत्यमेव जयते
Rep. by its Finance Secretary,
New Delhi. ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari, to call for the records in sale proceedings initiated by the 2nd respondent and Proclamation of sale notice in Recovery Proceedings (RP) No.68/2009 in DRC No.06/09 in T.A.No.737/02 dated 31.01.2017 to sell the petitioners property which is situated at 93, Rayapuram Main Road, Tirupur, quash the same in accordance with law.

For Petitioner : Mr.K.Balakrishnan
For Respondents : Mr.P.Sreenivasulu (For R1)
R2- Tribunal
R3 - Served

ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

Borrower against whom, recovery action has been taken under the provisions of Recovery of Debts due to Banks and Financial Institutions Act, 1993, has filed the instant writ petition for a certiorari to quash the proclamation of sale notice in Recovery Proceedings (RP) No.68/2009 in DRC No.06/09 in T.A.No.737/02 dated 31.01.2017, to sell the petitioners property situated at No.93, Rayapuram Main Road, Tirupur and to quash the same.

2. Record of proceedings shows that notice of motion has been ordered on 18.04.2017.

3. On the basis of an affidavit dated 08.09.2017, filed by the Chief Manager, Syndicate Bank, Tirupur Branch, Tirupur, Mr.P.Sreenivasulu, learned counsel for the bank submitted that towards realisation and recovery of the amount due to the bank, Recovery Officer of DRT, Coimbatore, has sold the property of the petitioner. After sale, the petitioner filed an application before the Recovery Officer, DRT, Coimbatore and also deposited the amount due to the respondent bank, with the Recovery Officer, Coimbatore. The Recovery Officer, Coimbatore, has set aside the sale conducted by him and paid, the amount deposited by the petitioner to the respondent bank. In view of the above, nothing survives in the instant writ petition for further adjudication.

4. Placing on record the affidavit dated 08.09.2017, and submission of the bank, writ petition is dismissed as infructuous. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

s/d-

सत्यमेव जयते
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Manager,
Syndicate Bank,
Tirupur Branch, Dharapuram Road,
Near Usha Theatre, Tirupur - 641 604.

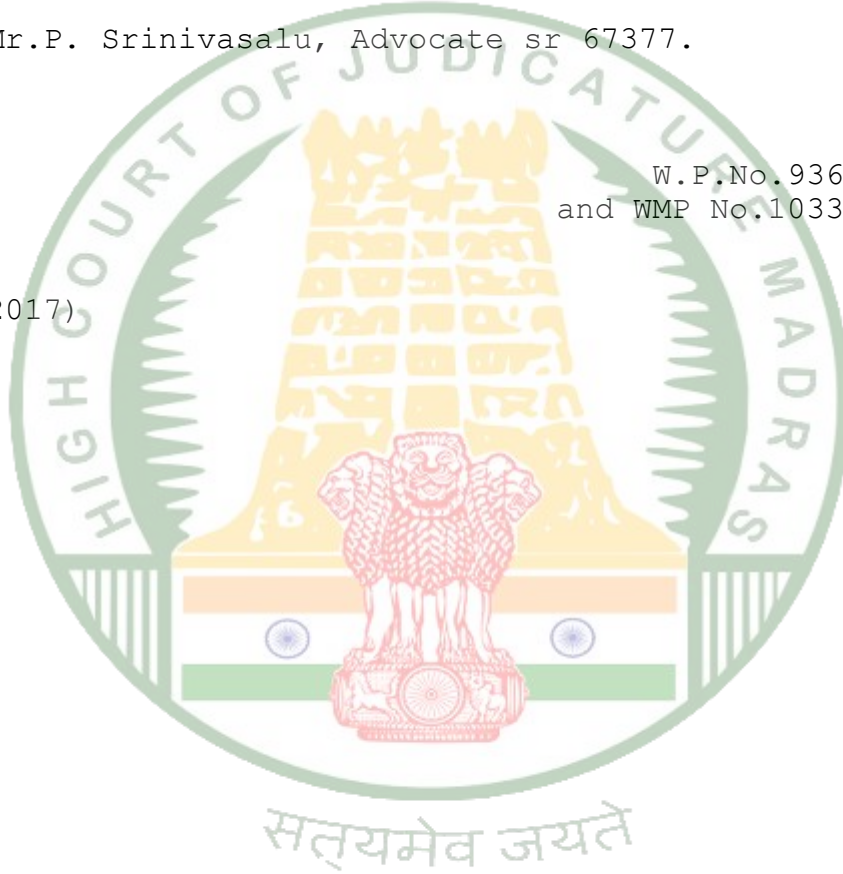
2. Recovery Officer - I,
Debts Recovery Tribunal,
Office of the Recovery Officer,
1670, Trichy Road, Ramanathapuram,
Coimbatore - 641 015.

3. Finance Secretary,
Union of India,
Ministry of Finance,
New Delhi.

+1 Cc to Mr.P. Srinivasalu, Advocate sr 67377.

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AK(CO)
sp(03/10/2017)



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