

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.10869 of 2017
and
W.M.P.Nos.11832 & 11813 of 2017

1. Babu Varghese
 2. Thankam Babu Varghese
-Petitioners

Vs

1. The Authorised Officer,
Indian Overseas Bank,
Besant Nagar Branch,
E.140B, Third Main Road,
Chennai 600 090.
 2. M/s.Green Tree Homes & Ventures Pvt. Ltd.,
New No.13, Sriman Srinivasan Road,
Alwarpet, Chennai 600 018.
-Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari to quash that portion of the Auction Notice dated 24.03.2017 of the first Respondent bringing the petitioner's Plot 183-C situated in survey Nos.533 (Part) and 534 (Part) more fully described in Schedule for sale.

For Petitioners : M/s.M.Aravind Subramaniam
For R.1 : Mr.F.B.Benjamin George

ORDER

(Order of the Court was made by Huluvadi G.Ramesh.J.,)

Seeking to quash a portion of the Auction Notice dated 24.03.2017 of the first Respondent bringing the petitioners' Plot 183-C situated in survey Nos.533 (Part) and 534 (Part) more fully described in Schedule for sale, the petitioners are before this Court with this writ petition.

2.It is submitted by the learned counsel for the first respondent Bank that the auction sale in respect of the properties in question has not taken place and hence, according to him, nothing survives in this writ petition.

3.In such circumstances, the learned counsel for the petitioners prays for withdrawal of this writ petition. He has also made an endorsement to that effect.

4.In the result, the writ petition is dismissed as withdrawn. However, it is made clear that in the event, the first respondent Bank decides to bring the properties of the petitioners for auction sale, it shall issue notice to the petitioners and the petitioners shall furnish their detailed address for service of notice. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kas/jbm

To

The Authorised Officer,
Indian Overseas Bank,
Besant Nagar Branch,
E.140B, Third Main Road,
Chennai 600 090.

+1 CC to Mr.M. Aravind Subramaniam, Advocate sr 40241
+1 CC to Mr.F.B.Benjamin George , Advocate sr 40132

SCD(CO)
sp/7/6

W.P.No.10869 of 2017

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