

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2017

CORAM:

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

W.P.No.11430 of 2017
and
W.M.P.No.12391 of 2017

1. M/s.Fashion Leather Exports,
Rep. by its Partners,
Mr.I.Nisar Ahmed Khan and
Mr.N.Riyaz Ahmed Khan
2. Mr.I.Nisar Ahmed Khan
3. Mr.Riyaz Ahmed Khan. Petitioners

Vs.

United Bank of India,
Rep. by its Senior Manager/Authorised Officer,
Madras Branch,
No.117, Armenian Street,
Chennai - 1. Respondent

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari, calling for the records pertaining to Auction Sale Notice dated 11.04.2017, issued under Section 13(8) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by the respondent bank and quash the same.

For Petitioners : Mr.Aravind Subramaniam

For Respondent : Mr.P.S.Ganesh

ORDER

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

Record of proceedings shows that on 28.04.2017, in WMP No.12391 of 2017 in W.P.No.11430 of 2017, this Court passed the following order.

"There shall be an order of interim stay on condition that the petitioner shall deposit a sum of Rs.4 Crores on or before 10.05.2017 to the credit of the respondent Bank. If the said amount

is not deposited within the stipulated period, interim stay granted stand vacated automatically and the respondent may proceed with the sale of the property. Notice.

Post the matter during third vacation Court."

2. Though Mr.Aravind Subramaniam, learned counsel for the writ petitioner seeks time to ascertain whether the conditional order dated 28.04.2017 has been complied with or not, Mr.P.S.Ganesh, learned counsel for the respondent Bank submitted that interim order has not been complied with. Added further, he submitted that auction scheduled on 11.04.2017 did not take place and thus, the writ petition has become infructuous.

3. Placing on record the above, without going into the merits of the challenge, the writ petition is dismissed as infructuous. No costs. Interim order granted in WMP No.12391 of 2017, is vacated.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Senior Manager/Authorised Officer,
United Bank of India,
Madras Branch,
No.117, Armenian Street,
Chennai - 1.

+1cc to Mr.Aravind Subramaniam, Advocate, S.R.No.47394

W.P.No.11430 of 2017

and

W.M.P.No.12391 of 2017

BR(CO)
CA(21/07/2017)

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