

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.32471 of 2017

and

WMP Nos.35784 & 35785 of 2017

M/s.New Royal Traders,
Rep. by its Proprietor,
Mr.S.Peer Mohammed.

... Petitioner

vs.

1. The Authorized Officer,
Catholic Syrian Bank Ltd.,
Gandhipuram Branch,
1st Floor, Sri Ganesa Complex,
No.12, 10th Street, Gandhipuram,
Coimbatore - 641 012.

2. M/s. SUN MARS STEELS INDIA PVT. LTD.,
represented by its Managing Director,
S.F.No.16/2B, No.4, Veerapandi Village,
Coimbatore - 641 019.

.... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the 1st respondent to settle proportioned share to the petitioners claim for his outstanding dues from the 2nd respondent out of sale proceeds of the auction sale dated 15.12.2017 under SARFAESI Act secured assets.

For Petitioner : Mr.N.S.Sivakumar

ORDER

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

Petitioner, stated to have supplied goods worth of Rs.43,69,414/- to M/s.Sun Mars Steels India Private Limited, Coimbatore and filed a suit in O.S.No.503 of 2017 before the learned First Additional District Judge, Coimbatore, for recovery of debt of Rs.24,18,369/-, has filed the instant writ petition for a mandamus, directing the Authorised Officer, Catholic Syrian Bank, Gandhipuram Branch, Coimbatore, 1st respondent to settle the proportionate share to the petitioner from and out of the sale proceedings of the auction scheduled on 15.12.2017 under the SARFAESI Act, 2002.

2. Relief sought for cannot be granted for the reason that whether M/s.Sun Mars Steels India Private Limited,

Coimbatore, the 2nd respondent is liable to pay the petitioner, the abovesaid sum, is yet to be adjudicated. Under such circumstances, mandamus cannot be issued. Hence, the instant writ petition is dismissed and consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

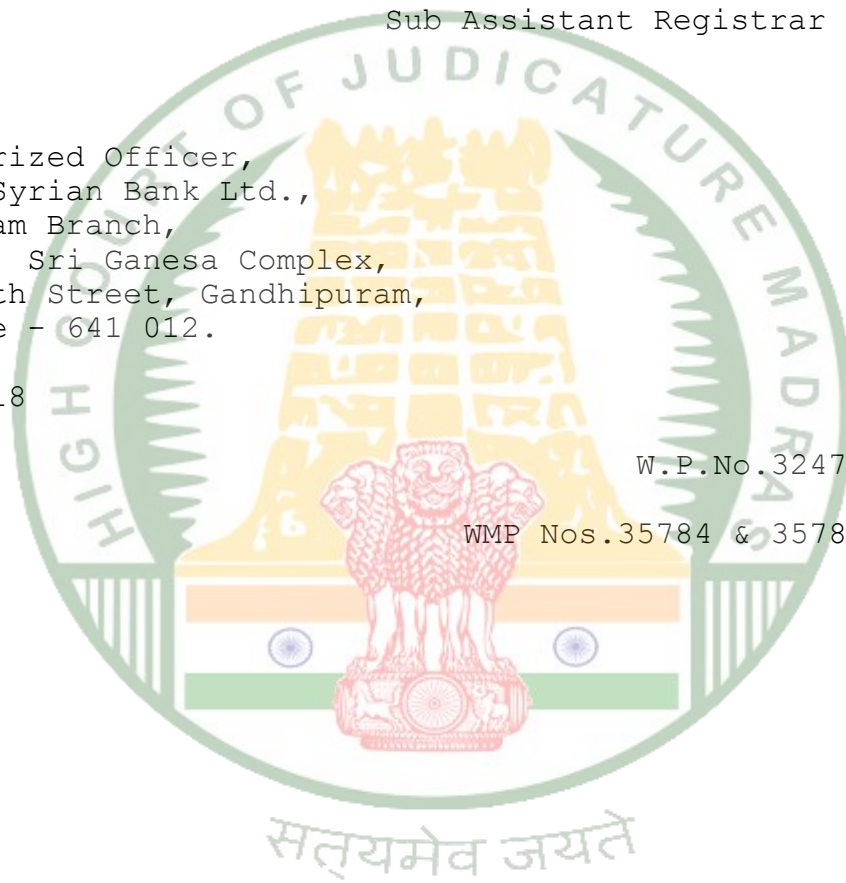
The Authorized Officer,
Catholic Syrian Bank Ltd.,
Gandhipuram Branch,
1st Floor, Sri Ganesa Complex,
No.12, 10th Street, Gandhipuram,
Coimbatore - 641 012.

sm:5.1.2018

W.P.No.32471 of 2017

and

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