

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/1/2017

C O R A M

The Honourable Mr.Justice S.Manikumar
and
The Honourable Mr.Justice M.Govindaraj

Writ Petition No.18110 of 2015

Mr.R.Muralikrishnan

...

Petitioner

Vs

The Authorised Officer
IDBI Bank Ltd
RAC
No.24/36 Kalpalathika Towers
1st Floor, Dr.Ambedkar Road
Kodambakkam
Chennai 600 024.

...

Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned Possession Notice dated 4/6/2015 issued by the respondent relating to the schedule of property mentioned in the petition and to quash the same and consequently direct the respondent to consider the petitioner's representation dated 10/3/2015.

For petitioner ... Mr.Anand Venkatesh
for Mr.M.Aravind Subramaniam

For respondent ... Mr.W.S.Jayaprakash
No appearance

O R D E R

(Order of the Court was made by S.Manikumar,J)
On 5/1/2017, this Court has passed the following order:-
"Mr.Aravind Subramaniam, learned counsel for the petitioner submitted that the entire proceedings in the SARFAESI Act, 2002, has been taken against a dead man and therefore, the proceedings are vitiated. Though, learned counsels have entered appearance, there is no response on the side of the bank.

2. Record of proceedings shows that when the matter came up for hearing on 12/8/2015, having regard to the submission of the writ petitioner that he is the class 2 legal heir of the borrower/brother, who had breathed last on 11/7/2012 and the further submission that he is ready and willing to discharge the entire liability of his deceased brother R.Kannan, a Hon'ble Division Bench of this Court, has granted interim order, subject to the condition that the writ petitioner deposits the amount as assured before this Court, within a period of three months.

3. Mr.Aravind Subramaniam, learned counsel for the writ petitioner, is directed to get instructions on the above as to whether the condition has been complied with or not.

Post the matter on 6/1/2017."

2. On 6/1/2017, Mr.M.Aravind Subramaniam, learned counsel for the petitioner requested time to get instructions. Thus, it is listed today.

3. When the matter came up for further hearing, today, the learned counsel for the petitioner submitted that as the interim order has not been complied with, the writ petition may be dismissed.

4.Placing on record the above, writ petition is dismissed. Interim order, dated 12/8/2015, granted by this Court, stands vacated. No costs. Consequently, the connected Miscellaneous Petitions are closed.

sd/

सत्यमेव जयते Assistant Registrar

/true copy/

Sub Assistant Registrar

mvs.

+1cc to Mr.Aravind, Advocate SR.No.2288.

+1cc to Mr.W.S.Jayaprakash, Advocate SR.No.2755.

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EV (CO)

GN(08/02/2017)