

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18/1/2017

C O R A M

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

Writ Petition No.17871 of 2016

1. Sri.D.Lognathan
2. Sri.L.Kumaraguru ... Petitioners

Vs

1. State Bank of Mysore
rep. By its Manager
Sri.R.Ananth
Public Utility Building
P.B.No.5109, M.G.Road
Bangalore 560 001.
2. The Secretary to Government
Ministry of Finance
Union of India
Jeevan Deep Building
Parliament Street
New Delhi 1.
3. The Secretary to Government
Ministry of Law
Union of India
New Delhi. ... Respondents

(R.R.2 and 3 are suo motu impleaded, as per order,
dated 11/5/2016, by NKKJ & MVMJ, in
W.P.No.17871 of 2016)

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent Bank, forbearing from taking any further action in pursuance of the order/judgment dated 18/3/2016, in O.A.No.666 of 1997 passed by the Hon'ble Presiding officer, Debts Recovery Tribunal, Bangalore, pending disposal of the Appeal filed by the petitioners in A.I.R.No.194 of 2016, before the Hon'ble Debts Recovery Appellate Tribunal, Chennai.

For petitioners ... Mr.B.R.Shankaralingam
For respondents ... Mr.V.P.Sengottuvel
for R.R.2 and 3.

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O R D E R
(Order of the Court was made by S.MANIKUMAR,J)

This writ petition has been filed praying to direct the first respondent Bank, to forbear from taking any further action in pursuance of the order/judgment, dated 18/3/2016, in O.A.No.666 of 1997, passed by the Hon'ble Presiding officer, Debts Recovery Tribunal, Bangalore, pending disposal of the Appeal filed by the petitioners, in A.I.R.No.194 of 2016, before the Hon'ble Debts Recovery Appellate Tribunal, Chennai.

2. On the averments made and considering the material on record, a Hon'ble Division Bench of this Court, vide order, dated 11/5/2016, granted interim stay of the impugned proceedings.

3. On this day, when the matter came up for hearing, Mr.B.R.Shankaralingam, learned counsel on record, submitted that the instant writ petition was filed, when there was no Chairperson for the Debts Recovery Appellate Tribunal. He further submitted that after the filing of the instant writ petition, a Hon'ble Presiding Officer has been appointed and that the writ petitioners would pursue their remedy in the appeal already filed before the appellate forum against the order impugned. On the above, he seeks for permission to withdraw the writ petition and he has also made an endorsement to that effect.

4. Placing on record the above, instant writ petition is dismissed as withdrawn. No costs. Interim order, dated 11/5/2016, granted in W.M.P.No.15563 of 2016 in W.P.No.17871 of 2016, stands vacated and the same is closed.

s/d-

Assistant Registrar (CS VI)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary to Government
Ministry of Finance
Union of India
Jeevan Deep Building
Parliament Street
New Delhi 1.

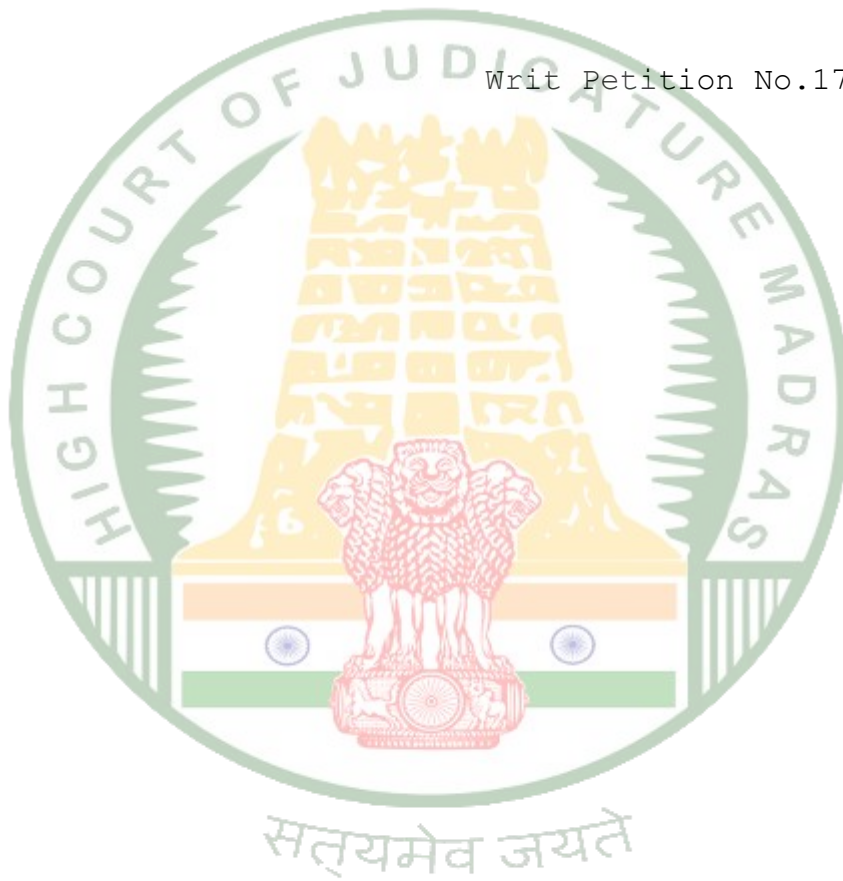
2. The Secretary to Government
Ministry of Law
Union of India
New Delhi.

+1 CC to M/s. M. Devaraj, Advocate sr 3688

+1 CC to The Govt. Pleader M/s.V.P. Sengottuvel, Advocate sr 3699

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MP (CO)
sp/6/2



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