

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.22198 of 2015
and
M.P.Nos.1 and 2 of 2015

L.Karunakaran .. Petitioner

versus

1. The Chief Metropolitan Magistrate,
Egmore,
Chennai - 600 008.

2. The Chief Manager & Authorized Officer,
Central Bank of India,
ARB, Montieth Road,
Egmore,
Chennai - 600 008.

3. Mr.M.Annamalai

4. M/s.Durga Arts
Prop. P.Palani.

5. P.Palani .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari, calling for the records of the impugned order dated 26.02.2014 issued by the 1st respondent in Crl.M.P.No.840/2014 and quash the same.

For Petitioner : No appearance

ORDER

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

On 12.01.2017, we passed the following order.

"On this day, when the matter came up for hearing, Mr.T.M.Hariharan, learned counsel for the respondent Bank submitted that the request of the 4th and 5th respondents to scale down the amount to Rs.1,01,00,000/- as full and final settlement of the dues payable by the borrower/guarantor, has been turned down by the bank.

2. Writ petitioner is a tenant. Challenge made is to an order passed by the Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.840 of 2014 dated 26.02.2014.

3. Though, in the light of the subsequent amendment, by way of Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Act, 2016 (44 of 2016), a tenant has an effective remedy before the tribunal, hearing of the writ petition has been periodically adjourned only on the grounds that there were negotiation for One Time Settlement (OTS). As on today, it is reported that the same has been paid.

4. There is no representation for the learned counsel for the petitioner.

5. Post on 19.01.2017, under the caption 'for dismissal'."

2. Thus, today, the matter is listed under the caption 'for dismissal'.

3. Despite opportunity being given, there is no representation for the writ petitioner, either in person or through pleader.

4. In the abovesaid circumstances, we are constrained to dismiss the writ petition for default. Consequently, the connected Miscellaneous Petitions are closed.

[S.M.K., J.] [M.G.R., J.]
19.01.2017

Index: Yes/No.
Internet: Yes
ars

To

The Chief Metropolitan Magistrate,
Egmore,
Chennai - 600 008.

S. MANIKUMAR, J.
AND
M.GOVINDARAJ, J.

ars

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19.01.2017

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