

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.6.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.25627 of 2014
and
M.P.No.1 of 2014

S.Dhanaraj

.. Petitioner

Versus

The Authorised Officer
UCO Bank
Pondicherry Main Branch
Rue Mahe De Labourdonnais
Puducherry-605 001.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the respondent pertaining to the impugned possession notice dated 09.09.2014 and quash the same, consequently direct the respondent to consider the petitioner's representation dated 16.07.2014 and pass order and communicate the same as required under Section 13(3A) of the SARFAESI Act.

For petitioner : Mr.R.Thiruneelakandan
For respondent : Mr.M.Muthukumaran

सत्यमेव जयते
ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ petitioner challenges the impugned possession notice in respect of his residential house offered by him as collateral security for availing credit facility from the respondent-bank.

3. It appears that some time after issuance of the possession notice, the respondent bank has exercised its liberty to withdraw the notice issued and accordingly, it has been withdrawn as evident from the memo filed by the respondent-bank, for the reason best known to the officials of the respondent-bank. Therefore, there would be no precipitation of the matter by the petitioner to come before this court. If any further

dispute between the petitioner and the respondent-bank is to be settled, it is for the petitioner to work out such remedy by way of coming up with a different prayer before appropriate forum. Since, the respondent-bank had already withdrawn the possession notice issued by them, the writ petition has become infructuous. Therefore, the writ petition is dismissed as infructuous. No costs. The connected miscellaneous petition is also dismissed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

ssk.

+1 CC to Mr.M. Muthukumaran, Advocate sr 43076

+1 CC to Mr.P.R. Thiruneelakandan, Advocate sr 43220

W.P.No.25627 of 2014

SP(10/07/2017)



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