

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Eleventh day of October Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S.MANIKUMAR

AND

THE HON`BLE MR JUSTICE R.SURESH KUMAR

WMP No.27304 of 2017

IN WP.17988/2017

V.GNANASEKARAN

[PETITIONER]

Vs

1 THE AUTHORISED OFFICER
THE SOUTH INDIAN BANK, NIAGRA
APARTMENTS, NO.1, STERLING ROAD,
NUNGAMBAKKAM, CHENNAI-34

[RESPONDENTS]

2 THE SOUTH INDIAN BANK
REP. BY ITS SENIOR MANAGER,
ARAKKONAM 631 001

3 N.GANESH

4 G.N.RAMESH

5 THE REGISTRAR
DEBTS RECOVERY APPELLATE
TRIBUNAL, CHENNAI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order substituted service by way of paper publication in respect of the 4th respondent / 4th respondent any Tamil Daily and English Daily circulated at Chennai in (WMP No.27304 of 2017 IN WP.17988/2017).

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SHANMUGAM, Advocate for the petitioner and of M/S.E.KUMAR, Advocate for 1 & 2nd for the Respondents the court made the following order:-

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

Petitioner has sought for a writ of certiorarified mandamus, to call for the records of the fifth respondent, relating to the order, dated 22/2/2017, passed in R.A.(SA) No.176 of 2012, in setting aside the order,dated 19/10/2012, passed by the Debt Recovery Tribunal - III, Chennai, in S.A.No.242 of 2010.

2. Respondent Nos.3 and 4 are the joint auction purchasers. Though respondent No.3 has been served, as per the Registry's note, no vakalat has been filed. Hence name of the respondent No.3 is shown in the cause list.

3. According to the petitioner, as well as Mr.E.Kumar, learned counsel for the Bank, though respondent No.4 is residing in the address, mentioned in the writ petition, evades receipt of the notice. As per the Registry's note, notice on the fourth respondent is returned, with an endorsement "left". Private notice sent by the learned counsel for the petitioner, is also returned with an endorsement "no such person".

4. In the above said circumstances, petitioner has taken out the instant W.M.P.No.27304 of 2017, seeking permission to effect substituted service, by way of paper publication, on the fourth respondent, in Tamil and English newspapers, widely circulated in Chennai.

5. We have perused the Registry's note, on the batta memo, postal covers and the affidavit of service filed by the writ petitioner.

6. Satisfied with the reasons assigned in the supporting affidavit.

7. Accordingly, **permission is granted to the writ petitioner, to effect substituted service, by way of paper publication in "Malai Murasu" (vernacular) and News Today (English), setting out the details of the prayer sought for in W.P.No.17988 of 2017 and specifically mentioning the date of next hearing as 25/10/2017. Publication shall be effected well in advance.**

8. After effecting publication, learned counsel for the petitioner is directed to submit copies of the newspapers to the Registry.

9. If any vakalat is filed, on behalf of the fourth respondent, same shall be put up.

10. Registry is directed to print the name of the fourth respondent.

11. Post on 25/10/2017. Interim order already granted is extended till then.

-sd/-
11/10/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE AUTHORISED OFFICER
THE SOUTH INDIAN BANK, NIAGRA APARTMENTS,
NO.1, STERLING ROAD, NUNGAMBAKKAM, CHENNAI-34

2 THE SENIOR MANAGER,
SOUTH INDIAN BANK ARAKKONAM 631 001

C.C. to M/S.A.GOPINATH Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.27304/2017

in
WP.17988/2017

Date :11/10/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
ADD 23.10.2017