

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.24576 of 2015
M.P.No.1 of 2015

M/s.Power Creating Zone Pvt.Ltd.,
Rep., by its Managing Director,
Mr.S.Karunanidhi. Petitioner

vs.

1. The Authorized Officer,
M/s.Syndicate Bank,
Regional Office,
Leelavathi Buildings,
No.69, Armenian Street,
Chennai 600 001.
2. The Senior Manager,
M/s.Syndicate Bank,
SRN Tower, No.208/1,
1st Cross Street, Sengunthapuram,
Karur 639 002.
3. Mr.R.Manickavasagam,
Partner, M/s.Morvi Exports,
NH-7, New Bye Pass Road,
Karur 639 002.
4. Jai Kavitha
W/o.SR Manickavasagam,
No.12, Chinnamuthu 1st Street,
Erode 638 001.
5. The Registrar,
Debts Recovery Appellate Tribunal,
Egmore, Chennai 600 008.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 1 and 2 herein, their men, servants or agents or anyone claiming under them from in any manner bringing the property described in the schedule hereunder for sale by e-auction sale notice, dated 27.06.2015, on 12.08.2015 or any other date, till the petition filed by the petitioner in AIR No.595 of 2014, is disposed of by the Debts Recovery Appellate Tribunal, Chennai.

For Petitioner : Mr.AR.L.Sunderesan,
for Mrs.AL.Ganthimathi

For Respondents 1 & 2 : Mr.J.Srinivasan

ORDER

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

M/s.Power Creating Zone Private Ltd., represented by its Managing Director, has preferred this writ petition, for a Mandamus, forbearing the Authorized Officer, M/s.Syndicate Bank, Chennai and the Senior Manager, M/s.Syndicate Bank, Karur, respondents 1 and 2 herein, their men, servants or agents or anyone claiming under them from in any manner bringing the property described in the schedule hereunder for sale by e-auction sale notice, dated 27.06.2015, on 12.08.2015 or any other date, till the petition filed by them in AIR No.595 of 2014, is disposed of by the Debts Recovery Appellate Tribunal, Chennai.

2. Record of proceedings shows that on 10.08.2015, while ordering notice to the respondents, this Court directed that auction proceedings shall continue, but sale shall not be confirmed, till the next hearing date.

3. On this day, when the matter came up for hearing, Mr.AR.L.Sunderesan, learned Senior Counsel appearing for the petitioner submitted that the instant writ petition has been filed, when there was no member in the Debt Recovery Appellate Tribunal, Chennai. He also submitted that as on today, a Hon'ble Presiding Officer, is in charge of the appellate Tribunal.

4. Referring to the counter affidavit filed by the respondents-Bank, learned Senior Counsel appearing for the petitioner submitted that the sale, as scheduled, did not take place.

5. Placing the same on record, we are of the view that nothing survives in this writ petition and it becomes infructuous. Main appeal, pending before the appellate Tribunal, shall be pursued.

6. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

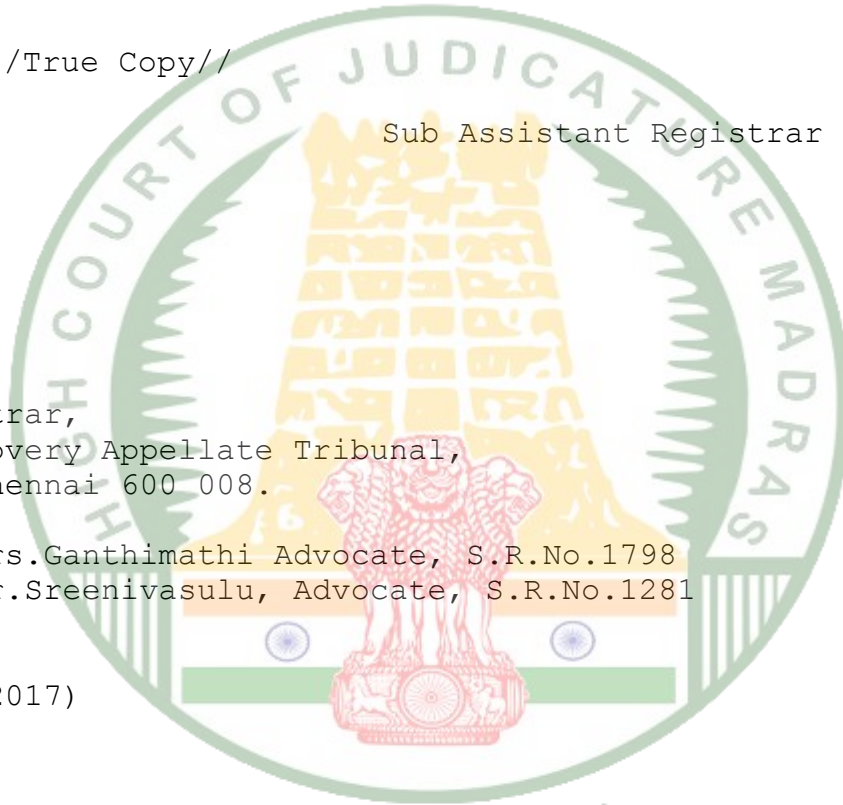
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To

The Registrar,
Debts Recovery Appellate Tribunal,
Egmore, Chennai 600 008.

+1cc to Mrs.Ganthimathi Advocate, S.R.No.1798
+1cc to Mr.Sreenivasulu, Advocate, S.R.No.1281

KS (CO)
RS (03/02/2017)



सत्यमेव जयते

W.P.No.24576 of 2015

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