

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15/2/2017

C O R A M

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

Writ Petition No.28073 of 2014

U. Anandan

...

Petitioner

Vs

The Authorised Officer
State Bank of India
Arni Branch
No.32 Thatchur Road
Arni.

...

Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the respondent and quash the possession notice dated 5/8/2014, issued by the respondent.

For petitioner ... Mr.A.Thiagarajan
For respondent ... Mr.R.Navaneetha Krishnan
for Mr.Ganesh

O R D E R

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

The petitioner has sought for a prayer, to quash the possession notice, dated 5/8/2014, issued by the respondent.

2. Borrower has challenged possession notice, dated 5/8/2014 and sought for a writ of certiorari, on the ground that borrower had already initiated action by filing a mortgage suit, in O.S.No.163 of 2014, before the Sub-Court, Arani and despite the same, invoked Section 13 (4) of the SARFAESI Act, 2002, to get possession.

3. Notice of motion has been ordered on 28/10/2014 and responding to the same, Bank has filed a counter affidavit dated 8/11/2014.

4. When the matter came up on 13/2/2017, we directed

Mr.R.Navaneethakrishnan, Advocate, representing the learned counsel for the respondent Bank, to ascertain the stage of the suit, in O.S.No.163 of 2014, stated to be pending, on the file of the Sub-Court, Arani.

5. Reverting, he submitted that the dispute between the parties has been settled out of Court and nothing remains in the instant writ petition for adjudication. He has also made an endorsement to that effect.

6. Placing on record the above submission and endorsement, no further adjudication is required.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

The Authorised Officer
State Bank of India
Arni Branch
No.32 Thatchur Road
Arni.

+1cc to Mr.M.L. Ganesh, Advocate, S.R.No.10071

rsy(CO)
md(02/03/2017)

WEB COPY

Writ Petition No.28073 of 2014