

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

CORAM:

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

Writ Petition No.22358 of 2016
and
WMP No.19066 & 19067 of 2016

P.Sukanya Petitioner
vs.

State Bank of Patiala
Represented by its
Authorised Officer
Pudur Pirivu
Dharapuram Main Road
Tirupur 641 608 Respondent

WRIT Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the respondent comprised in their sale notice dated 01.06.2016 in respect of Sl.No.2 published on 09.06.2016 and quash the same as arbitrary, illegal, unconstitutional and consequently forbear the respondent from proceeding under the SARFAESI Act.

For Petitioner :Mr.S.Ramesh

For Respondents :Mr.Suresh

ORDER

(delivered by S.MANIKUMAR, J)

Sale Notice dated 01.06.2016 in respect of Sl.No.2, published on 09.06.2016 is impugned by the legal heir of the borrower. Record of proceedings shows that on 30.06.2016, while ordering notice of admission returnable in 8 weeks, regarding payment, this court has granted an order of interim stay of the impugned sale notice for a period of 8 weeks.

2. Though the writ petitioner made submissions to sustain the challenge on the averments supporting the prayer sought for,

prima facie, we are of the view that the same has to be done before the forum. Mr.Suresh, learned counsel for the respondent bank submitted that the sale scheduled, did not take place. He has also submitted that, as on today, the writ petition has become infructuous.

Placing on record the above, writ petition is dismissed as infructuous. However, there shall be no order as to cost. Consequently, the connected writ miscellaneous petitions are closed.

sd/
Assistant Registrar(CCC)

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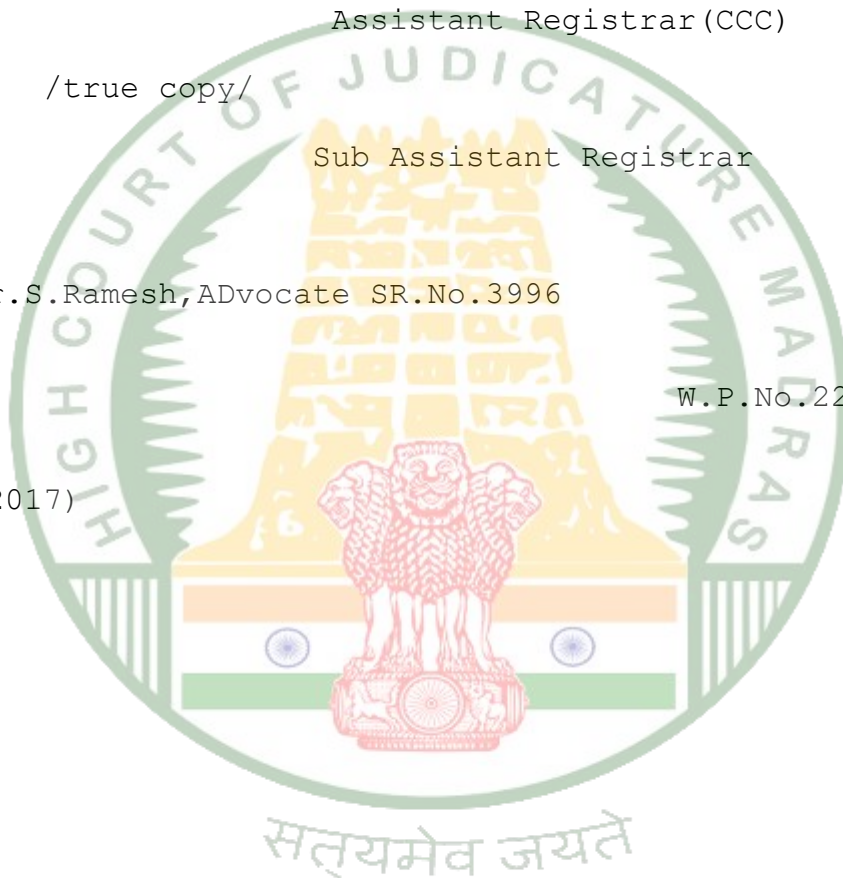
Sub Assistant Registrar

asr

+1cc to Mr.S.Ramesh,ADvocate SR.No.3996

W.P.No.22358 of 2016

KJ(CO)
GN(09/02/2017)



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