

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.11289 of 2006

J.Nagarajan

... Petitioner

Vs.

1. The Authorised Officer and
Chief Manager,
Indian Bank, Circle Office,
55, Ethiraj Salai,
Chennai - 8.

2. The Manager,
Indian Bank,
East R.A.Puram Branch,
South Canal Bank Road,
Chennai -28.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondents to receive the balance bid amount of Rs.16,50,000/- in pursuant to their communication dated 17.12.2005 and to issue the Sale Certificate in respect of the property covered under tender document dated 24.11.2005 of the first respondent.

For Petitioner : Mr.S.Elamurugan

For Respondents: Mr.R.Ramesh

for M/s.RRK Associates

O R D E R

Heard Mr.S.Elamurugan, learned counsel for the petitioner and Mr.R.Ramesh, learned counsel appearing for the respondents.

2. The petitioner has approached this Court for seeking the following relief,

"To issue a Writ of Mandamus, directing the respondents to receive the balance bid amount of Rs.16,50,000/- in pursuant to their communication dated 17.12.2005 and to issue the Sale Certificate in respect of the property covered under tender document dated 24.11.2005 of the first respondent."

3. The case of the petitioner is as follows:-

The petitioner came across an advertisement regarding the sale of property in Keelambakkam Village, Chenglepet measuring

an extent of 32 cents comprised in O.S.No.3/2 bearing old patta No.644, New No.351 situated in the Sub Registration District of Guduvancherry. The original price was fixed for the sale of the property at Rs.20,33,000/-, the petitioner thereafter participated in the tender and also deposited initial amount of Rs.4,48,400/-. According to the petitioner, though he was willing to pay the remaining balance amount, the remaining formalities were not completed for the effect of sale of property. Therefore, the petitioner is before this Court seeking to issue a writ of mandamus.

4. It appears that during the pendency of the writ petition, the initial deposit amount by the petitioner was returned by the respondent Bank on 22.10.2007. However, in view of the fact that there is a considerable passage of time from the date of filing of the writ petition and till date and the initial amount having been returned by the bank to the writ petitioner as early as on 22.10.2007, the present writ as it framed is not maintainable, no relief can be granted to the petitioner as on today.

5. Therefore, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

at
To

1. The Authorised Officer and
Chief Manager,
Indian Bank, Circle Office,
55, Ethiraj Salai,
Chennai - 8.

2. The Manager,
Indian Bank,
East R.A.Puram Branch,
South Canal Bank Road, Chennai - 28.

+1cc to Mr.RRK.Associates, Advocate Sr.No.83193
+1cc to Mr.S.Elamurugan, Advocate SR.No.83170

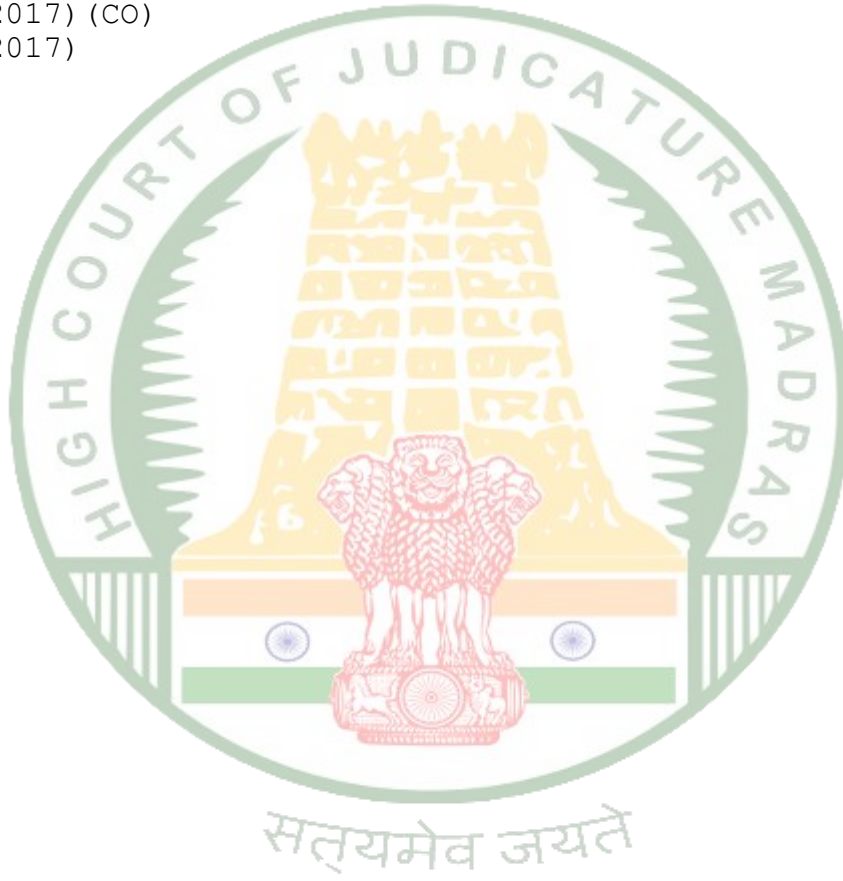
W.P.No.11289 of 2006

RR(CO)
sm:15.12.2017

22.11.2017

` (CO)

GN (27/11/2017) (CO)
GN (27/11/2017)



WEB COPY