

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.29934 of 2016
and
W.M.P.No.25892 of 2016

R. Thilagam

.. Petitioner

versus

1. Tamil Nadu Industrial Investment Corporation Ltd
(Government of Tamil Nadu undertaking)
rep. By its Branch Manager-cum- Authorised officer
Sri Lakshmi Complex, I Floor, 4/22 Omalur Main Road
Swarnapuri, Salem 4.

2. M/s. Arjuna Rock Drills

3. M. Ramasamy

4. R.T.Sathish.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the first respondent from confirming the auction held on 12/8/2016 and issuing sale certificate pursuant to the auction sale notice published in Financial Express dated 4/7/2016 in respect of residential property comprised in Old TS No.3/3B1, D.No.24A Ward B, Block 7 Kannan Kurichi Main Road, Hasthampatti, Salem 7.

For petitioner : Mr.D.Rajagopal

For respondents : Mr.K.Magesh (for R1)

ORDER

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

Borrower has sought for a writ of mandamus, forbearing the Tamil Nadu Industrial Investment Corporation Limited, Salem, the first respondent from confirming the auction held on 12/8/2016 and issuing sale certificate pursuant to the auction sale notice published in Financial Express dated 4/7/2016, in respect of residential property comprised in Old TS No.3/3B1, D.No.24A Ward B, Block 7 Kannan Kurichi Main Road, Hasthampatti, Salem.

2. While ordering notice to the respondents returnable in eight weeks, a Hon'ble Division Bench of this Court vide order dated 29.08.2016, has granted stay of further proceedings subject to condition, the petitioner deposits a sum Rs.21 Lakhs within a period of eight weeks before the first respondent.

3. On this day, when the matter is listed for further hearing, Mr.D.Rajagopal, learned counsel for the borrower submitted that the conditional order dated 29.08.2016, has been complied with. He further submitted that the deposit made, be appropriated towards the loan account.

4. Mr.K.Magesh, learned counsel for the respondent bank acknowledged the said submission. He further submitted that the prayer sought for in the instant writ petition has become infructuous, as no auction was held on 12.08.2016.

5. Placing on record the submission of the learned counsel appearing for both parties, we are of the view that there is no need to delve into the contentious issues in the instant writ petition, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[S.M.K., J.] [M.G.R., J.]
08.02.2017

Index: Yes/No.
Internet: Yes
ars

To

Branch Manager-cum-Authorised Officer,
Tamil Nadu Industrial Investment Corporation Ltd
(Government of Tamil Nadu undertaking)
Sri Lakshmi Complex, I Floor, 4/22 Omalur Main Road
Swarnapuri, Salem 4.

S. MANIKUMAR, J.
AND
M.GOVINDARAJ, J.

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