

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

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

W.P.No.44736 of 2016
and WMP No.38554 of 2016

Mrs.Caroline Prabha ... Petitioner

versus

1. The Authorised Officer,
Bank of India,
Star House, 3rd Floor,
324, Oppanakkara Street,
Tiruppur.
2. Bank of India,
rep. by its Manager,
Ganapathipalayam Branch,
Tiruppur.
3. K.Thirumurthy
4. The Registrar,
Debt Recovery Tribunal,
Coimbatore ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus, forbearing the respondents 1 and 2 from demolishing the petitioner's residential building in SF.No.593 and 594/2, Sri.R.R.Iswaraya Nagar, Thottipalayam Village, Tiruppur, Tiruppur Taluk, Annanagar Extension until disposal of the appeal in S.A.No.139 of 2014 filed by the petitioner under Section 17 of the SARFAESI Act before the 4th respondent.

For Petitioner : Mr.D.Jermiah

For Respondents : Mr.Benjamin George

ORDER

Borrower has filed the instant writ petition for a writ of mandamus forbearing respondents 1 and 2 from demolishing his residential building in SF.No.593 and 594/2, Sri.R.R.Iswaraya Nagar, Thottipalayam Village, Tiruppur, Tiruppur Taluk, Annanagar Extension, until disposal of the appeal in S.A.No.139 of 2014 filed by him under Section 17 of the SARFAESI Act before the 4th respondent.

2. When the matter came up on 04.01.2017, we directed Mr.Benjamin George, learned counsel for Bank of India, Tiruppur, present in Court, to take notice and directed the Registry to post the matter on 06.01.2017 and thus, it is listed today.

3. Reverting, Bank has filed a counter affidavit alongwith the typed set of papers stating that the writ petitioner has suppressed the filing of earlier writ petitions and the orders passed thereon,

4. Going on through the same, Mr.Jermiah, learned counsel representing the counsel on record, does not dispute the same. However, he seeks permission to withdraw the instant writ petition. He has also made an endorsement to that effect.

5. Placing on record the above, permission is granted. Writ petition is dismissed as withdrawn. No leave is granted to file a fresh writ petition on any of the grounds averred in the present writ petition. No Costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-III)

//True Copy//

Sub-Assistant Registrar

To

The Registrar
Recovery Tribunal
Coimbatore.

+1 CC to M/s. B. Nambiselvan, Advocate sr 2007
+1 CC to M/s. F.B. Benjamin George, sr 2407

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