



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P.[MD].No.4471 of 2017
and W.M.P(MD)Nos.3588 & 3589 of 2017

C.Durai Manickam : Petitioner

Vs.

01.The Authorized Officer,
Bank of Baroda,
II Floor, Aparna Tower,
No.2,3 Bypass Road,
Ponmeni,Madurai 625 016.

02.The Branch Manager,
Bank of India,
Puduvayal Branch,
Sivagangai District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the Respondent bank, Viz. the Sale Notification published in Tamil Daily, Dina Thanthi issue dated 25.02.2017 in so far as the property offered by the Petitioner's sister as Security, situate at Plot Nos.21 to 24 and Plot No.13 in MVNOE, No.74/87 Kalapatti Village, Gandhipuram, Coimbatore, and quash the same and consequently, direct the Respondent bank to receive a sum of Rs.4.10 lakhs as One Time Settlement from the Petitioner in full and final settlement of the loan availed by him from the 2nd Respondent bank.

For Petitioner : Ms.AL.Ganthimathi
For Respondents : Mr.Pala Ramasamy

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

When this writ petition was taken up for admission on 16.03.2017, the learned counsel appearing for the respondent



2. During the course of argument, a proposal was given by the petitioner /borrower. The matter was adjourned to inform the respondent bank to respond such proposal.

3. Today Mr. Pala Ramasamy, the learned counsel appearing for the respondent bank submits that he was instructed to state that impugned notice is to be withdrawn by the respondent bank and he has produced a memo filed by the Chief Manager, Bank of Baroda, Madurai has filed a memo today stating that the bank withdraws the impugned sale notice itself. But with regard to the proposal given by the petitioner to liquidate the dues, the learned counsel for the respondent bank has no instruction.

4. Taking note of the submission made by the learned Standing counsel appearing for the respondent bank that the bank withdraws the impugned sale notice itself and recording the memo filed to that effect, this writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed. Consequently, connected W.M.P. (MD) Nos. 3588 and 3589 of 2012 are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

01. The Authorized Officer,
Bank of Baroda,
II Floor, Aparna Tower,
No. 2, 3 Bypass Road,
Ponmeni, Madurai 625 016.

02. The Branch Manager,
Bank of India, Puduvayal Branch,
Sivagangai District.

+1cc to M/S. AL. GANDHIMATHI, ADVOCATE SR.No. 16058

ORDER MADE IN
WP (MD) No. 4471 of 2017
and
MP (MD) No. 3588 & 3589 of 2017
20.03.2017

KK/JC/05.04.2017/2P/4C