



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2017**

CORAM:

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

W.P.(MD)No.5707 of 2011
and
M.P.(MD)Nos.1 to 3 of 2011

K.Sivasubramania Siva : Petitioner

Vs.

1.UCO Bank,
Tuticorin Branch,
208, C&D, V.E.Road,
Tuticorin-628 003.rep.by its Authorised Officer.

2.Subramanian
3.N.Ulaganathan
4.K.Mayilvakanan : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records in the sale notice dated 10.03.2011 issued by the first respondent bank in "Dinamalar" dated 12.03.2011 and quash the same so far as item No.4 of the schedule of property is concerned and forbear the respondent to proceed against the said property till the disposal of O.S.No.466 of 2010 on the file of the Principal District Munsif Court, Thoothukudi.

For Petitioner : Mr. C.Dhanaseelan

For Respondents : Mr.K.Periyasamy
for R.1
: No Appearance
for R.2 to R.4

ORDER

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

<https://hcservices.courts.gov.in/hcservices/>
Hear the learned Counsel appearing for the petitioner and the learned Counsel appearing for the Bank.



2. The petitioner seeks for issuance of Writ of Certiorarified Mandamus calling for the records in the sale notice dated 10.03.2011 issued by the first respondent bank in "Dinamalar" dated 12.03.2011 and quash the same so far as item No.4 of the schedule of property is concerned and forbear the respondent to proceed against the said property till the disposal of O.S.No.466 of 2010 on the file of the Principal District Munsif Court, Thoothukudi.

3. It is not disputed by the petitioner and admitted by the respondent that the proceedings before the Debts Tribunal, Madurai in S.A.No.82 of 2011, though it was initially entertained and interim orders was granted, subsequently the same has been dismissed by order dated 30.05.2011. Furthermore, the suit in O.S.NO.466 of 2010 was pending and in which an application under Order 7 Rule 11 C.P.C., has been filed seeking to reject the plaint and the said application was allowed and the plaint has been rejected, as against which, the petitioner pursued for further remedies.

4. At this juncture, this Court cannot consider the prayer as sought for by the petitioner. Accordingly, the Writ Petition is closed leaving open to the petitioner to raise all the issues both factual and legal before the appropriate Forum. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub-Assistant Registrar

TO

+1 CC TO M/S.C.DHANASEELAN,ADVOCATE,SR NO.53060

ssl

MAS/MR/SAR3:28.04.2017:2P-5C

+1 CC TO MR.K.PERIASAMY, ADVOCATE, SR NO.52668

+1 CC TO GOVERNMENT PLEADER SR NO.52761

W.P. (MD) No.5707 of 2011
18.04.2017