

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.8805 of 2018

and

WMP No.10676 of 2018

Mr.S.Subramanian,
Proprietor, M/s.Forge Tools

Petitioner

vs.

1. The Registrar,
Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai,
Chennai - 600 008.

2. The Authorized Officer,
M/s.Karnataka Bank Ltd.,
United India Colony,
Kodambakkam,
Chennai - 600 024.

3. The Authorized Officer,
M/s.JM Financial Asset Reconstruction Co. Pvt. Ltd.,
3rd Floor, B Wing, Suashish IT Park,
Plot No.68E, Off Daata Pada Road,
Opp. Tata Steel, Borivali (East),
Mumbai - 400 066.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the first respondent in RA (SA)-99/2017 filed against S.A.No.323 of 2015 on the file of DRT-III, Chennai order dated 21.02.2018 and quash the same a snot having considered the issue relating to non existence of mortgage for the purpose of enforcement under the provisions of SARFAESI Act and consequently allow the appeal in R.A.(SA)-99/2017 after considering all issues raised, including the right of the petitioner to withdraw the pre deposit made by him.

For Petitioner : Mr.V.Kuberan
for M/s.Rank Associates

For Respondents : Mr.Ilaya Rajkumar (for R2)
M/s.Ramalingam Associates
Mr.Chethan Sagar (for R3)
for M/s.Dua Associates

ORDER

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

Writ petition is directed against the order made in RA(SA)-99/2017 dated 21.02.2018 on the file of Debts Recovery Tribunal-III, Chennai.

2. Learned counsel for the bank submitted that O.A.No.311 of 2015 on the file of Debts Recovery Tribunal-III, Chennai, filed for recovery of Rs.2.29 Crores, has reached the final stages of trial, and documents filed have to be marked.

3. Mr.V.Kuberan, learned counsel for the petitioner seeks permission to withdraw the instant writ petition, with liberty to raise all tenable grounds. He has made an endorsement to that effect.

4. In view of the above submission and endorsement made, writ petition is dismissed as withdrawn, granting liberty to the petitioner as prayed for. Further, as OA No.311 of 2015, has reached the final stage, Debts Recovery Tribunal-III, Chennai, is directed to expedite early disposal. It is open to the parties to file a memo to that effect. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ars

To

1. The Registrar,
Debts Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai,
Chennai - 600 008.

2. The Authorized Officer,
M/s.Karnataka Bank Ltd.,
United India Colony,
Kodambakkam,
Chennai - 600 024.

+2cc to M/s.Ramalingam Associates, Advocate, S.R.No.40284

W.P.No.8805 of 2018
and
WMP No.10676 of 2018

CP (CO)
BM 11/07/2018



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