

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.32668 of 2016

and

WMP.No.28298 of 2016

1. Aiyer D.Radhakrishnan
2. R.Mahalakshmi .. Petitioners

Vs.

1. State Bank of India
RACPC, MRC Nagar Branch
6th Floor, High Gates
82, DGS Dhinakaran Salai
Santhome High Road
Chennai - 600 028.

2. The Debts Recovery Tribunal-II
4th Floor, Dewa Tower
770A, Anna Salai
Chennai - 2.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of writ of Certiorari to call for the records pertaining to the issue of the impugned order dated 16.8.2016 passed by the second respondent Tribunal in M.A.No.71 of 2016 in O.A.No.256 of 2015 and to quash the same as illegal and void.

For Petitioners

: Mr.D.Muthukumar
for M/s.Paul and Paul

For Respondents

: Mr.E.Karthikraja
for Mr.G.Karthikeyan
for 1st respondent

ORDER
(Made by M.Duraiswamy, J.)

The petitioner has filed the above writ petition to issue a certiorari to call for the records pertaining to the issue of the impugned order dated 16.8.2016 passed by the second respondent Tribunal in M.A.No.71 of 2016 in O.A.No.256 of 2015 and to quash the same.

2. When the matter is taken up for hearing, the learned counsel appearing for the first respondent submitted that the relief sought in the writ petition has become infructuous for the reason that M.A.No.71 of 2016 has been dismissed by the Debts Recovery Tribunal-II, Chennai, on the ground that the petitioners have not complied with the conditional order dated 16.8.2016. Further, the learned counsel submitted that the Debts Recovery Tribunal-II, Chennai, has also issued Debt Recovery Certificate (DRC) in favour of the first respondent bank.

3. The learned counsel appearing for the petitioners submitted that he has no instructions from the petitioners with regard to the submissions made by the learned counsel for the first respondent bank, however, the submission made by the first respondent bank may be recorded and the writ petition may be dismissed as infructuous.

In view of the submissions made by the learned counsel on either side, the writ petition is dismissed as infructuous. No costs. Consequently, W.M.P.No.28298 of 2016 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sasi
To:

The Assistant Registrar
Debts Recovery Tribunal-II
4th Floor, Dewa Tower
770A, Anna Salai
Chennai - 2.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.69197

W.P.No.32668 of 2016

VSNI(CO)
GSP(17/10/2018)