

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/6/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.14989 of 2018

Poonam Trading Company
rep. By its Partner
Mr.Navin S.Patel
Raheeja Towers
Unit 407, 4th Floor
177 Anna Salai
Chennai 600 002.

...Petitioner

Vs

1. The Union of India
rep. By its Secretary
Ministry of Finance
Department of Financial Services
Jeevan Deep Building
Parliament Street
New Delhi 110 001.

2. The General Manager (National)
Bank of India
Southern Region
Spencer Plaza
Anna Salai
Chennai 600 002.

3. The Chief Manager
Bank of India
Rajapalayam Branch
402 Tenkasi Road
Rajapalayam
Virudhunagar District
Tamil Nadu.

सत्यमेव जयते

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...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified mandamus to call for the records relating to impugned proceedings dated 25/4/2018 in Ref.No.RJP/ADM/2018-19 issued by the third respondent Bank and quash the same and consequently directed the third respondent Bank to accept a sum of Rs.1 crore from the petitioner and return the original title deeds of the mortgaged properties as per the approval letter dated 26/12/2016 issued by the third respondent.

For petitioner ... Mr.K.A.Ramakrishnan

O R D E R

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

Borrower, has sought for a writ of certiorarified mandamus, to quash the order, passed by the third respondent, in Ref.No.RJP/ADM/2018-19, dated 25/4/2018, and consequently, for a direction to the third respondent Bank, to accept a sum of Rs.1 crore, from the petitioner and return the original title deeds of the mortgaged properties, as per the approval letter, dated 26/12/2016, issued by the third respondent.

2. Material on record discloses that Bank of India, has issued possession notice, dated 13/2/2014, under Section 13 (4) of the SARFAESI Act, 2002.

3. Though Mr.K.A.Ramakrishnan, learned counsel for the petitioner made submissions, in support of the prayer sought for, ultimately, sought permission to withdraw the writ petition. He has also made an endorsement to that effect. However, taking note of the date of issuance of the possession notice, issued under Section 13 (4) of the SARFAESI Act, 2002, sought liberty to approach the Tribunal.

4. In view of the above, writ petition is dismissed. Liberty is granted to the petitioner, to raise all tenable grounds. If the petitioner chooses to file an application, under Section 17 (1) of the SARFAESI Act, 2002, time consumed in the process of litigation in this Court, be excluded. No costs. Consequently, the connected Miscellaneous Petition is closed.

mvs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Union of India
Ministry of Finance
Department of Financial Services
Jeevan Deep Building
Parliament Street
New Delhi 110 001.

W.P.No.14989 of 2018