

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.41758 of 2006
and M.P.Nos.1 and 2 of 2006

P.Karuppaiya

... Petitioner

vs.

1.Union of India,
Rep. by its Secretary,
Department of Banking,
Ministry of Finance,
New Delhi.

2. The Manager,
Lakshmi Vilas Bank Ltd.,
Salem Town Branch,
62-63, Bazaar Street,
Salem - 636 001.

... Respondents

[R1- Disd vide Court Order dated 08.09.2009]

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 second respondent pertaining to the impugned order dated 21.09.2006 bringing part of the collateral property measuring 65340 sq.ft. of land along with the Rice Mill for public auction and quash the same and further forbear the second Respondent from in any manner attempting to take over the physical possession of the assets of the petitioner, viz., Rice Mill, the land and building to an extent of 3.482 acres situated at S.No.2/1A2, 2/6A, 2/7. 3/2A1, 2/4B. 4/10A, 4/1A, and D.No.78/11, 79/11, 80/11, 81/11, 82/11 in K.M.Nagar, Ayothiyapattinam, Salem - 636 103 on the basis of the notices issued under Section 13(2) and 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and bringing it for public auction pending final disposal of the Original Application No.67 of 2004 in the Debts Recovery Tribunal, Coimbatore.

For Petitioner : Mr.N.Chandra Raj

For Respondents: Mrs.V.Anusha, (for R2)

for Mr.A.V.Radhakrishnan

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

Writ petition is filed for a writ of certiorarified mandamus, calling for the records of the second respondent pertaining to the impugned order dated 21.09.2006 bringing part of the collateral property measuring 65340 sq.ft. of land along with the Rice Mill for public auction and quash the same and further forbear the second Respondent from in any manner attempting to take over the physical possession of the assets of the petitioner, viz., Rice Mill, the land and building to an extent of 3.482 acres situated at S.No.2/1A2, 2/6A, 2/7. 3/2A1, 2/4B. 4/10A, 4/1A, and D.No.78/11, 79/11, 80/11, 81/11, 82/11 in K.M.Nagar, Ayothiyapattinam, Salem - 636 103 on the basis of the notices issued under Section 13(2) and 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and bringing it for public auction pending final disposal of the Original Application No.67 of 2004 in the Debts Recovery Tribunal, Coimbatore.

2. On this day, when the matter came up for hearing, there was no representation for the writ petitioner. Mrs.V.Anusha, learned counsel representing the counsel on record for the 2nd respondent, submitted that the matter has been settled.

3. Recording the said submission, writ petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

ars
To

The Manager,
Lakshmi Vilas Bank Ltd.,
Salem Town Branch,
62-63, Bazaar Street,
Salem - 636 001.

+1 CC to Mr.A.V.Radhakrishnan, Advocate sr 26854.

W.P.No.41758 of 2006
and M.P.Nos.1 and 2 of 2006

SP(07/05/2018)