

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1704 of 2008

R.Thangamuthu

... Petitioner

Vs.

1. State Bank of India,
Rep. by its Authorised Officer
Kudumudi Branch,
Erode District.

2. A.P & Associates,
Salem Main Road,
Salem.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned notice issued by the first respondent dated 30.07.2007 and to quash the same.

For Petitioner : No Appearance

For Respondents : Mr.S.Sethuraman
For R1

R2 - Disd vide Court Order
dated 21.09.2016

O R D E R

This Writ Petition has been filed to call for the entire records relating to the impugned notice issued by the first respondent dated 30.07.2007 and to quash the same.

2. The petitioner has purchased a Swaraj 735 Tractor bearing Registration No.TN33 L 9399 by availing a loan with the first respondent bank under hire purchase agreement and since the petitioner has been in default in repayment of the loan amount, the first respondent bank had issued a notice dated 30.07.2007, wherein, they have appointed the second respondent herein to seize the tractor purchased by the petitioner.

3. As per the said notice issued by the first respondent bank, the petitioner has to pay a sum of Rs.2,44,000/- and since he was not in a position to pay the said disputed amount, he has filed this Writ Petition invoking the jurisdiction of this Court.

4. The learned counsel appearing for the first respondent would submit that the said tractor bearing Registration No.TN33 L 9399, has already been seized and sold, thereby, an amount of Rs.1,00,000/- has been credited to the account of the petitioner and the remaining amount separate steps are taken by the bank officials for realising the due of the petitioner. Now the said due was closed as "Write off" as non collectable.

5. The learned counsel for the first respondent would further submit that nothing survives in this Writ Petition and sought for dismissal of the same as infructuous.

6. Based on the above submission made by the learned counsel for the first respondent bank, this Writ Petition is dismissed as infructuous. No Costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Authorised Officer
State Bank of India,
Kudumudi Branch,
Erode District.

+lcc to Mr.S.Sethuraman, Advocate, S.R.No.35261

CS/13/06/18

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