



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 31.07.2018**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY**

**AND**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P (MD) No.11273 of 2018**

**and**

**W.M.P (MD) No.10295 of 2018**

S.S.Bindhu

... Petitioner

Vs.

1. The Authorized Officer,  
Regional Office,  
Tamil Nadu Mercantile Bank Limited,  
1<sup>st</sup> Floor, Kuraisha Plaza,  
T.C.No.54/2, 4, 5, 6 and 7  
Pappanamcode,  
Trivandram - 695 018,  
Kerala.
2. The Authorized Officer,  
Regional Office,  
Tamil Nadu Mercantile Bank Limited,  
Arumanai Branch,  
No.7/88A, Thattankonam, Arumanai Post,  
Kanyakumari District.
3. The Branch Manager,  
Tamil Nadu Mercantile Bank Limited,  
Arumanai Branch,  
No.7/88A, Thattankonam, Arumanai Post,  
Kanyakumari District.
4. G.Anilkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the second respondent herein dated 03.05.2018 in Ref.No.CIN:U65110TN1921PLC001908 and quash the same.

|                |                                                                  |
|----------------|------------------------------------------------------------------|
| For Petitioner | : Mr.S.Prabhakaran,<br>Senior Counsel for<br>Mr.N.Mohideen Basha |
| For RR 1 to 3  | : Mr.A.R.M.Ramesh                                                |

**ORDER**

(Order of the Court was made by **M.DURAI SWAMY, J.**)

Mr.S.Prabhakaran, learned Senior Counsel representing for  
<https://hcservices.ecourts.gov.in/hcservices/>  
Mr.N.Mohideen Basha, learned counsel appearing for the petitioner,  
sought the permission of this Court to withdraw the Writ Petition



with liberty to move the Debt Recovery Tribunal, Madurai challenging the impugned order. Further, the learned Senior Counsel submitted that the petitioner would move the Tribunal within a week's time and the respondents may be directed to maintain status quo till then and the learned counsel on record has also made an endorsement to that effect.

2. Mr.A.R.M.Ramesh, learned counsel appearing for the respondents 1 to 3 has no objection for giving such a direction.

3. In view of the same, the Writ Petition is dismissed as withdrawn and it is open to the petitioner to challenge the impugned order before the Debts Recovery Tribunal in accordance with law and the Debts Recovery Tribunal shall decide all the contentions raised by the petitioner in accordance with law and if any application is filed by the petitioner to raise an issue with regard to the mortgage of the properties as a preliminary issue, the same can be decided by the Debts Recovery Tribunal on merits and in accordance with law. The petitioner shall file the appeal before the Debts Recovery Tribunal within a period of one week from the date of receipt of a copy of this order and till such time, the respondents are directed to maintain status quo. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

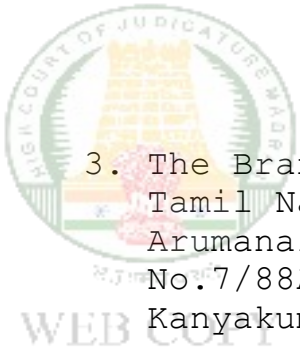
Assistant Registrar(CRL SIDE)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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3. The Branch Manager,  
Tamil Nadu Mercantile Bank Limited,  
Arumanai Branch,  
No.7/88A, Thattankonam, Arumanai Post,  
Kanyakumari District.

+1cc to Mr.N.Mohideen Basha, Advocate Sr.No.76123  
+1cc to Mr.A.R.M.Ramesh, Advocate Sr.No.76080

ps

VB/KAK/SAR4/11.08.2018/3P/6C

**W.P(MD)No.11273 of 2018**  
**31.07.2018**