



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.6.2018

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM
and
The Honourable Mr. Justice P.VELMURUGAN

(heard through video conferencing)

Review Application (MD) No.251 of 2017
and CMP.No.11979 of 2017

K.Gandhi

... Applicant

Vs

1. The Superintendent of Police,
Ramanathapuram District.
2. The Branch Head, Tamil Nadu
Mercantile Bank Ltd., Sayalkudi
Branch, Sayalkudi, Ramanathapuram
District.
3. The District Manager, Tamilnadu
Adi Dravidar Housing & Development
Corporation (TAHDCO), Ramanathapuram.
4. The Inspector of Police, Kovilangulam
Police Station, Kovilangulam,
Ramanathapuram District.

... Respondents

PETITION under Order XLVII Rules 1 and read with Section 114 of the Civil Procedure Code against the judgment dated 19.6.2017 in WA (MD) No. 314 of 2016.

Prayer in WA(MD)No.314/ 2016 :

Writ Appeal filed against the order passed by this Court made in W.P.(MD)No.3225 of 2016 dated 15.02.2016.

Prayer in WP(MD)No.3225/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to take action against the 2nd and 3rd respondents to return the vehicle bearing Regn. No. TN 65 W 5779 which was seized illegally from the petitioner.



For Applicant : Mr.G.R.Rajan for Ms.A.Rajini
For Respondent-2 : Mr.Dilipkumar

WEB COPY

ORDER

Mr.Dilipkumar, learned Standing Counsel accepting notice for the second respondent. Heard both.

2. This review application has been filed to review the order in WA (MD) No.314 of 2016 dated 19.6.2017.

3. Learned counsel for the applicant submits that the direction issued by this Court in the said judgment was not intimated to the party and hence, the petitioner could not comply with the condition within the time stipulated. It is further submitted that an application has been filed in the said writ appeal for extension of time.

4. The learned Standing Counsel appearing for the second respondent bank points out that the bank has issued the sale notice for the vehicle in question during January 2018, that the vehicle has been sold and that the third party purchaser paid the price for the vehicle and took delivery. For the deficit amount, which is recoverable from the applicant, the second respondent bank filed a civil suit.

5. Thus, on account of the subsequent turn of events, the prayer sought for in the writ petition itself has become infructuous, as the possession of the vehicle is no longer with the second respondent bank. We find no grounds to entertain the review application.

6. Accordingly, the above review application is dismissed. No costs. Consequently, the connected CMP is also dismissed.

7. We leave it open to the petitioner to agitate his claim by suitably defending himself in the pending suit filed by the second respondent bank.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Superintendent of Police,
Ramanathapuram District.



2. The Branch Head, Tamil Nadu
Mercantile Bank Ltd., Sayalkudi
Branch, Sayalkudi, Ramanathapuram
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Corporation (TAHDCO), Ramanathapuram.

4. The Inspector of Police, Kovilangulam
Police Station, Kovilangulam,
Ramanathapuram District.

+ 1 CC TO Mr.N.DILIPKUMAR, ADVOCATE IN SR No. 69686

+ 1 CC TO Mr.G.RAJAN, ADVOCATE IN SR No. 69309

RS

TE/SB/SAR-3 : 06/07/2018 : 3P/7C

Rev.Aplc.(MD) No.251 of 2017
and CMP.No.11979 of 2017
21.6.2018