

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.5968 of 2019 and

W.M.P.No.6788 of 2019

1.K.I.Manirathinam

2.M.Usha

... Petitioners

Vs.

1.The Collector,
Cuddalore District,
Cuddalore - 607 001.

2.The Authorized Signatory,
ICICI Bank Ltd.,
24th South Phase,
Arihant Insight, 2nd Floor,
West Wing, ACRIBLG,
Ambattur Industrial Estate,
Ambattur, Chennai - 600 058.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari to call for the records and to quash the proceedings of the 1st respondent in his Na.Ka.V3/27810/2017 dated 10.10.2018.

For Petitioners

: Mr.R.Gururaj

For Respondents

: Mr.S.Kamalesh Kannan,

Government Advocate (R1)

ORDER

(ORDER OF THE Court WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of certiorari to call for the records and to quash the proceedings of the 1st respondent dated 10.10.2018.

2.The 2nd respondent - Bank filed an application under Section 14 of the SARFAESI Act to take physical possession from the petitioners. The 1st respondent - District Collector issued

summons to the petitioners to appear for hearing on 26.10.2018. Challenging the said summons, the petitioners have filed the Writ Petition.

3.Since the 1st respondent has only issued summons calling upon the petitioners to appear for hearing on 26.10.2018 at 04.30 p.m., they had every opportunity of appearing before the 1st respondent and filing their counter and contest the matter. However, the petitioners have filed the Writ Petition challenging the summons. The petitioners have not made out any ground to interfere with the summons issued by the 1st respondent.

4.In these circumstances, we are not interfering with the summons issued by the 1st respondent. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Collector,
Cuddalore District,
Cuddalore - 607 001.
- 2.The Authorized Signatory,
ICICI Bank Ltd.,
24th South Phase,
Arihant Insight, 2nd Floor,
West Wing, ACRI BLG,
Ambattur Industrial Estate,
Ambattur, Chennai - 600 058.

+1cc to the Government Pleader, S.R.No. 20499

W.P.No.5968 of 2019 and
W.M.P.No.6788 of 2019

LN(CO)
GN(23/03/2019)