

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.8339 of 2014
and M.P.Nos.2 & 3 of 2014

The Repatriates Co-operative Finance
and Development Bank Ltd (REPCO Bank),
No.33, North Usman Road,
T.Nagar, Chennai - 600 017,
rep by its Deputy General Manager (LAW),
Thavadurainathan

... Petitioner

Vs.

1.Janata Sahakari Bank Ltd., Pune
(Multi Scheduled Bank)
having its Registered Office at
1444 Sukrawar Peth,
Thorale Bajirao Road,
Pune - 411 002.

2.The Authorized Officer,
Janata Sahakari Bank Ltd., Pune
(Multi Scheduled Bank)
having its Registered Office at
1444 Sukrawar Peth,
Thorale Bajirao Road,
Pune - 411 002.

3.M/s.NEPC Agro Foods Limited,
having its Registered Office at
No.1678, Trichy Road,
Ramanathapuram,
Coimbatore - 641 045.

4.Tax Recovery Officer,
Tirupur Range and Range - V,
Coimbatore,
O/o Joint Commissioner of Income Tax,
No.121, Adams Building,
60 Feet Road,
Tirupur - 641 602.

... Respondents

(R3 & R4 impleaded as per order dated 03.09.2014 made in M.P.No.4 of 2014)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus to call for the records of the impugned Auction Sale Notice of the 2nd respondent dated 06.02.2014 and to quash the same as illegal and further direct the 2nd respondent against taking any action affecting the secondary charge of the petitioner on the schedule mentioned property.

For Petitioner : Mr.A.Ilangovan
For Respondents: Mr.R.Murari, Senior Counsel
for Mr.B.N.Suchindran (R1 & R2)

R3 - no appearance

Mr.A.P.Srinivas (R4)

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of certiorarified mandamus to call for the records of the impugned Auction Sale Notice of the 2nd respondent dated 06.02.2014 and to quash the same as illegal and further direct the 2nd respondent against taking any action affecting the secondary charge of the petitioner on the schedule mentioned property.

2.When the matter is taken up for hearing, the learned counsel for the petitioner submitted that since no auction was conducted pursuant to the sale notice dated 06.02.2014, the Writ Petition has become infructuous.

3.In view of the submission made by the learned counsel for the petitioner, the Writ Petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

+lcc to Mr.A.Ilangovan, Advocate sr.no.2399
+lcc to Mr.P.Elango, Advocate sr.no.2806
+lcc to Mr.B.N.Suchindran, Advocate sr.no.2073
+lcc to Mr.A.P.Srinivas, Advocate sr.no.2100

W.P.No.8339 of 2014
and M.P.Nos.2 & 3 of 2014

ss(co)
nr 06/02/2019