



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.NO.23729 OF 2019
AND WMP NO.23592 OF 2019

Punjab National Bank
Represented by its Chief Manager
Asset Recovery Management Branch (ARMB)
No.448A, Dr.Nanjappa Road,
Coimbatore - 641 018.

... Petitioner

vs.

1. The Commercial Tax Officer
Satyamangalam Commercial Tax Office
Satyamangalam, Erode District.
2. M/s.V.R.Textiles Private Limited (in Liquidation)
Represented by Official Liquidator
Attached to High Court, Madras
Rajaji Salai, Chennai - 600 001.
3. The Sub Registrar
Punchaipuliyampatty
Gobichettipalayam, Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to remove the attachment effected with the office of the third respondent in respect of collateral security/mortgaged property as offered by the second respondent situate at Erode District, Gobichettipalayam Registration District, Punjai Puliampatti Sub Registration District, Sathyamangalam Taluk within the limits of Bavanisagar Panchayat Union in Nallur Village comprised in various survey numbers admeasuring an extent of 10.47 acres together with plant and machinery so as to enable the petitioner bank or its successors to register the sale certificate/sale deed in favour of auction purchaser/third party(s) in accordance with law and pass such further or other orders may deem fit and proper and thus render justice.



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For Petitioner : Mr.M.L.Ganesh

For Respondents : Ms.G.Dhanamadhri,
Government Advocate for R1
Mr.M.Pappiah,
Special Government Pleader for R3

O R D E R

After some arguments, it came to light that auction purchaser is a necessary party. To be noted, auction purchaser has neither been arrayed as a party to this writ petition nor any averments have been made about auction purchaser in the affidavit filed in support of the writ petition.

2. Faced with the above situation, learned counsel for writ petitioner sought permission to withdraw the instant writ petition and also sought leave to preserve the rights of the writ petitioner to file a fresh writ petition on the same issue by arraying the auction purchaser as a co-respondent and also by making necessary averments in this regard.

3. Mr.M.L.Ganesh, learned counsel on record for writ petitioner has made an endorsement in the case file which reads as follows:

'To permit the petitioner to withdraw and to file a fresh writ petition after impleading the auction purchaser.

(s/d)
Counsel for petitioner
20/08/2019'

4. Aforesaid endorsement is reiterated in the hearing.

5. In the light of the aforesaid scenario, this writ petition is dismissed as withdrawn preserving the rights of the writ petitioner to file a fresh writ petition in the aforesaid manner. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsm



To

1. The Commercial Tax Officer
Satyamangalam Commercial Tax Office
Satyamangalam, Erode District.

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2. The Official Liquidator,
M/s.V.R.Textiles Private Limited (in Liquidation)
Attached to High Court, Madras
Rajaji Salai, Chennai - 600 001.
3. The Sub Registrar
Punchaipuliyampatty
Gobichettipalayam, Erode District.

+1cc to Mr.M.L.Ganesh, Advocate, S.R.No.71487

+1cc to the Government Pleader, S.R.No.72138, 71562

W.P.No.23729 of 2019

SS(CO)
CS/03/10/2019