



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

REV.APLW.(MD)No.41 of 2019 in

W.P.(MD)No.2669 of 2019 and

W.M.P.(MD)No.7868 of 2019

V.K.N.Kannappan @ Narayanan

.. Petitioner/
Third party

Vs.

1. K.N.Iyyappan @ V.K.Raja .. 1st Respondent/Writ petitioner

2. The Branch Manager,
Indian Bank,
Thillai Nagar Branch,
Trichy - 18.

3. The Authorised Officer,
Indian Bank,
Thillai Nagar Branch,
Trichy.

.. Respondents 2 & 3/
Respondents 1 & 2

Prayer : This Review application is filed under Article 226 of the Constitution of India, to review the order passed by this Court in W.P.(MD)No.2669 of 2019, dated 25.02.2019 and allow the present Review application.

Prayer in WP(MD). 2669 of 2019 :

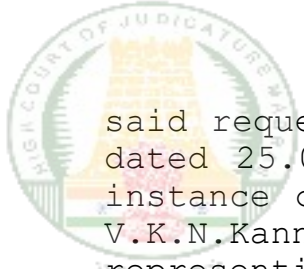
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to realize the outstanding debt of the petitioner by putting in auction sale only the property in Survey Nos.496, 397,399 and 495, plot no.C-2 of Thuvakudi Village, Trichy District and to release the title deeds of all the other properties by considering the petitioners representation dated 19.01.2019.

For Petitioner	: Mr.M.Saravanan, for Mr.R.Subramanian.
For R-1	: Mr.S.C.Herold Singh
For R-2	& R-3 : Mr.P.N.Satagopan

ORDER

Heard the learned counsel on either side.

2. Thiru.K.N.Iyyappan @ V.K.Raja filed W.P.(MD)No.2669 of 2019 for directing the Indian Bank, Thillai Nagar Branch, Trichy, to proceed against a particular item of property alone for realizing the debt payable to the Bank. This Court felt that the



said request was reasonable and allowed the Writ petition by order dated 25.02.2019. This order is now sought to be reviewed at the instance of the another proprietor of the Writ petitioner, namely, V.K.N.Kannappan @ Narayanan. The petitioner's counsel who is representing for the petitioner states that he is running an industry in the property mentioned in the Writ petition and that he would be put to prejudice, if this item is taken by the Bank in the auction proceedings.

3. I do not want to go into the merits of the matter. Suffice it to say, I could not have passed the order allowing the Writ petition in the absence of the other brothers of the Writ petitioner. Thus, my order suffers from an error apparent on the face of record.

4. Therefore, the order dated 25.02.2019 in W.P.(MD) No.2669 of 2019 is set aside. The Writ petition shall be heard afresh by the roster Judge. The petitioner shall file an application impleading his brothers.

5. The Review petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

pmu
To

1. The Branch Manager, Indian Bank,
Thillai Nagar Branch, Trichy - 18.

2. The Authorised Officer, Indian Bank,
Thillai Nagar Branch, Trichy.

COPY TO

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.R.SUBRAMANIAN, Advocate Sr. No.71158

+1CC TO MR.S.C.HEROLD SINGH, Advocate Sr. No.71298

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