



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.7433 of 2019
and
W.M.P. (MD) .No.5949 of 2019

1. M/s. Sarvesh Plastics,
represented by its Proprietor,
Mrs.A.Menaka.

2.D.Radha ... Petitioners
Vs.

1.The Authorised Officer/Chief Manager,
Indian Bank,
Zonal Office,
Kumbakonam,
Thanjavur District.

2.The Branch Manager,
Indian Bank,
Pattukottai Branch,
Pattukottai,
Thanjavur District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the first respondent relating to E-Auction notice intended to sale dated 27.02.2019 fixing the E-Auction on 03.04.2019 for the properties of the petitioners situated in New Survey No.354/10C at Maliyakadu Village, Pattukottai Taluk, Thanjavur District for extent of 23 cents and New Survey No.354/10B1, 354/10B2 at Maliyakadu Village, Pattukottai Taluk, Thanjavur District for extent of 23 cents with residential building bearing Door No.178 and quash the same.

For Petitioner

: Mr.N.K.Ponraj

For Respondents

: Mr.Pala Ramasamy
Standing counsel

**O R D E R**

(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

Heard Mr.N.K.Ponraj, learned counsel for the petitioner and Mr.Pala Ramasamy, learned Standing counsel for the respondents.

2. By consent, the writ petition itself is taken up for final disposal.

3. This writ petition has been filed challenging the E-Auction notice issued by the first respondent, dated 27.02.2019.

4. When this Court expressed the view that the writ petition is not maintainable, in the light of the decision of the Hon'ble Supreme Court in **2018 SCC Online SC 2349 (ICICI Bank Limited vs. Umakanta Mohapatra)**, the learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to approach the Debt Recovery Tribunal, Madurai and he has also made an endorsement to that effect.

5. In view of the endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn with liberty. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS)

To

The Presiding Officer,
Debt Recovery Tribunal,
Madurai.

+1 CC to M/s.N.K.PONRAJ, Advocate (SR-57330[F] dated 28/03/2019)

+1 CC to M/s.PALA.RAMASAMY, Advocate(SR-57345[F]dated 28/03/2019)

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ES/DS/15.04.2019/2P/4C