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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.16878 of 2019

and

W.M.P. (MD) No.13459 of 2019

B.Sujatha

... Petitioner

Vs.

1) The Chief Manager/ Authorized Officer,
Indian Overseas Bank,
Regional Office,
Plot No.40, 80ft Road,
Anna Nagar, Madurai - 20

2) Indian Overseas Bank,
through its Branch Manager,
Theni-Allinagaram Branch,
No.52, Madurai Road,
Theni

3) Thamizhan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records, relating with the E-Auction sale notice issued by the 1st respondent in RO/LAW/SAR/60/2019-20, dated 08.05.2019, and the consequential declaration of the 3rd respondent as the highest bidder in the auction held on 28.05.2019, relating with the petitioner's two house sites measuring 1130 sq ft and 1601.7 sq ft in T.S.No.3/1A, bearing Plot No.3, Kottaikalam Street, in old Ward No.11 and New Ward No.15 is arbitrary, illegal and invalid and in consequence to direct the first respondent to permit her to redeem her property on the reserved price fixed by the first respondent.

For Petitioner : Mr.R.Surya Narayanan

For RR 1 & 2 : Mr.N.Dilip Kumar

O R D E R

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

1. The learned counsel for the writ petitioner seeks permission of this Court to withdraw the writ petition with a liberty to approach the Debt Recovery Tribunal (DRT) and raise all the points,



to work out his remedy before the DRT.

2. Granting such liberty, this Writ Petition is dismissed as withdrawn. No costs. Consequently, connected W.M.P.(MD) No.13459 of 2019 is closed.

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3. In view of the liberty granted herein, the delay, if any, in approaching the DRT shall be condoned and the matter will be decided by the DRT on merits and in accordance with law. Registry is directed to return the original impugned order forthwith.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1) The Chief Manager/ Authorized Officer,
Indian Overseas Bank,
Regional Office,
Plot No.40, 80ft Road,
Anna Nagar, Madurai - 20

2) The Branch Manager,
Indian Overseas Bank,
Theni-Allinagaram Branch,
No.52, Madurai Road,
Theni

Copy to: The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-78541[F] dated 30/07/2019)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-78707[F] dated 30/07/2019)

W.P.(MD)No.16878 of 2019

30.07.2019