



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

WEB COPY

CORAM:

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU  
and  
THE HON'BLE Mr. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No. 18659 of 2019  
and  
W.M.P. (MD) No. 15024 of 2019

C.Senthamil Selvan ... Petitioner

Vs.

The Authorised Officer,  
Tamil Nadu Mercantile Bank,  
Tiruchirappalli Region,  
C-87, Fort Station Road,  
Thillai Nagar,  
Tiruchirappalli 620018. ... Respondent

**PRAYER:** The Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records culminating in the impugned sale notice dated 08.08.2019 issued by the respondent / Bank under Rule 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002 under the SARFAESI Act, and quash the same as illegal, void, ab-initio without jurisdiction ultra vires and direct the respondent / Bank by way of mandamus not to proceed against the petitioner under the SARFAESI Act, 2002 in respect of the secured assets comprised in New S.F.No.34/4, 34/5 and 34/6 admeasuring to an extent of 12,208 square feet situated at Pullambadi South Village, Lalgudy Taluk, Tiruchirappalli District in any other manner whatsoever.

For Petitioner : Mr.Shankar Murali

For Respondent : Mr.N.Dilipkumar

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

The learned counsel appearing for the petitioner seeks permission to withdraw this Writ petition with liberty to approach the Debts Recovery Tribunal. He has also made an endorsement to that effect.

2. Granting such liberty, this Writ petition is dismissed as withdrawn. No costs. Consequently, connected W.M.P. is closed.

Sd/-

Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

The Authorised Officer,  
Tamil Nadu Mercantile Bank,  
Tiruchirappalli Region,  
C-87, Fort Station Road,  
Thillai Nagar,  
Tiruchirappalli 620018.

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-84100[F] dated 29/08/2019 )

+1 CC to M/s.K.S.SANKAR MURALI, Advocate ( SR-84143[F] dated 29/08/2019 )

+1 CC to M/s.P.MAHEDRAN, Advocate ( SR-14391[I] dated 29/08/2019 )

**W.P. (MD) No.18659 of 2019****nbj**

JM/12.09.2019/2P/5C