

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.7978 of 2020
and
W.M.P.No.9416 of 2020

M/s.Cee.Deer Garments,
Rep. by its Managing Partner,
D.Murthy, M/55,
S/o P.Duraisamy,
No.15, Kaliyappa Nagar 1st Street,
Kangayam Road,
Tiruppur-641 604.Petitioner

Vs.

The Authorized Officer/Chief Manager,
Bank of India, Tiruppur SME Branch,
No.18, Harini Centre, Khaderpet,
Tiruppur, Tiruppur District.Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondent from proceeding further for taking possession of the petitioner's mortgaged properties with the respondent-Bank and consequently bring the same for public auction.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.F.B.Benjamin George

ORDER
(The Order of the Court was made by R.Subbiah,J)

The present Writ Petition has been filed praying for issuance of a Writ of Mandamus to forbear the respondent from proceeding further for taking possession of the petitioner-firm's mortgaged property(ies) with the respondent-Bank and consequently bring the same for public auction.

2. When the Writ Petition is taken up for consideration today by hearing through video-conferencing, the learned Standing Counsel appearing for the respondent-Bank appeared and submitted that the Bank had filed counter affidavit in this matter. He further contended that the Bank has not filed any application before the concerned District Collector to take possession of the mortgaged property(ies). He further stated that even if any order is passed by the District Collector, permitting the Bank to take possession of the mortgaged property (ies), in the event of the application that may be filed by the respondent-Bank, the petitioner is having remedy only before the concerned Debts Recovery Tribunal. Hence, the learned counsel appearing for the Bank submitted that the present Writ Petition is not maintainable.

3. Heard both sides and perused the materials available on record.

4. Taking into consideration the above submissions made by the learned counsel appearing for the respondent-Bank, we are of the opinion that the present Writ Petition is liable to be dismissed.

5. With the above observations, the Writ Petition is dismissed. No costs. Connected W.M.P.No.9416 of 2020 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

CS

To

1.The Authorized Officer/Chief Manager,
Bank of India, Tiruppur SME Branch,
No.18, Harini Centre, Khaderpet,
Tiruppur, Tiruppur District.

Writ Petition No.7978 of 2020

PVS (CO)
KKV/03/09/2020