

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND

THE HONOURABLE MRS. JUSTICE N.KIRUBAKARAN

WP.No.6817 of 2016
and WMP.No.9694 of 2016

C.Kanagaraj

.. Petitioner

Vs.

1.Reserve Bank of India,
Department of Banking Operations and Developments,
rep. By its Deputy Governor
Central Office Building,
Shahid Bhagat Singh Marg,
Mumbai 400 001.

2.Tamil Nadu Mercantile Bank Ltd.,
A Banking Company Incorporated under
Companies Act 1913,
No.57, V.E.Road,
Tuticorin 628 002.

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondent No.1 to give directions to respondent no.2 to rescind the entries in their books related to the 92,791 nos. of shares.B.pending the hearing and final disposal of the petition the respondent no.1 be ordered and directed to give directions to respondent no2 to keep in abeyance of these of 92,791 nos of shares for which entries were made in their books. (c) ad interim relief in terms of prayer (b) be granted. (d) this Honble Court be pleased by issuing a writ in nature of certiorari or any other appropriate writ to direct respondent no.1 to issue directions to the respondent no.2 to remove from the board, the present nine directors who got appointed on the strength of 1,12,151 nos of shares. (e) ad-interim relief in terms of prayer as in clause (d). F.this Court be pleased by issuing a writ in nature of certiorari or any other appropriate writ to direct respondent no.1 to initiate proceedings to acquire 19360 nos of shares under Section 5(1) of Benami Transaction (Prohibition) Act 1988. G) this Court by issuing a writ in nature of mandamus or any other appropriate Writ, be

pleased to direct the Directorate of Enforcement (ED)/Central Bureau of Investigation (CBI) to investigate into the malpractices adopted by the entity in gaining control over 1,12,151 nos. of shares in the respondent no.2 and to initiate proceeding. H.That the cost of the petition be provided for (i) such other and further reliefs be granted as the court may deem fit to grant.

For Petitioner : Mr.Jerry V.V.Sundar
for Mr.V.Narayan

For Respondents:Mr.Chevanan Mohan for R1
Mr.V.Kuberan for R2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner filed WP.No.1317 of 2013 on the file of the High Court, Bombay and in pursuant to the orders passed by the Honble supreme Court of India, the Writ Petition has been transferred to the file of this Court and renumbered as W.P.No.6818/2016.

2. Mr.Jerry V.V.Sunder, learned counsel appearing for the petitioner had circulated a letter dated 24.10.2019, seeking the permission of this Court to withdraw this Writ Petition and he would further add that the writ petitioner has sent a communication dated 23.10.2019 requesting him to withdraw the Writ Petition.

3. This Court heard the submission of Mr.C.Mohan for M/s.King and Patridge who appears for the 1st respondent. Though the 2nd respondent has been served and their name appears in the cause list, there is no appearance on behalf of them.

4. The withdrawn letter, circulated by the counsel on record appearing for the petitioner dated 24.10.2019 is taken on file and recorded and the same shall form part of the order and he has also made an endorsement to that effect in the Writ Petition.

5. In the light of the said letter coupled with the endorsement made, this Writ Petition is dismissed as withdrawn. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(C.S.VI)

/True Copy/

Sub Assistant Registrar

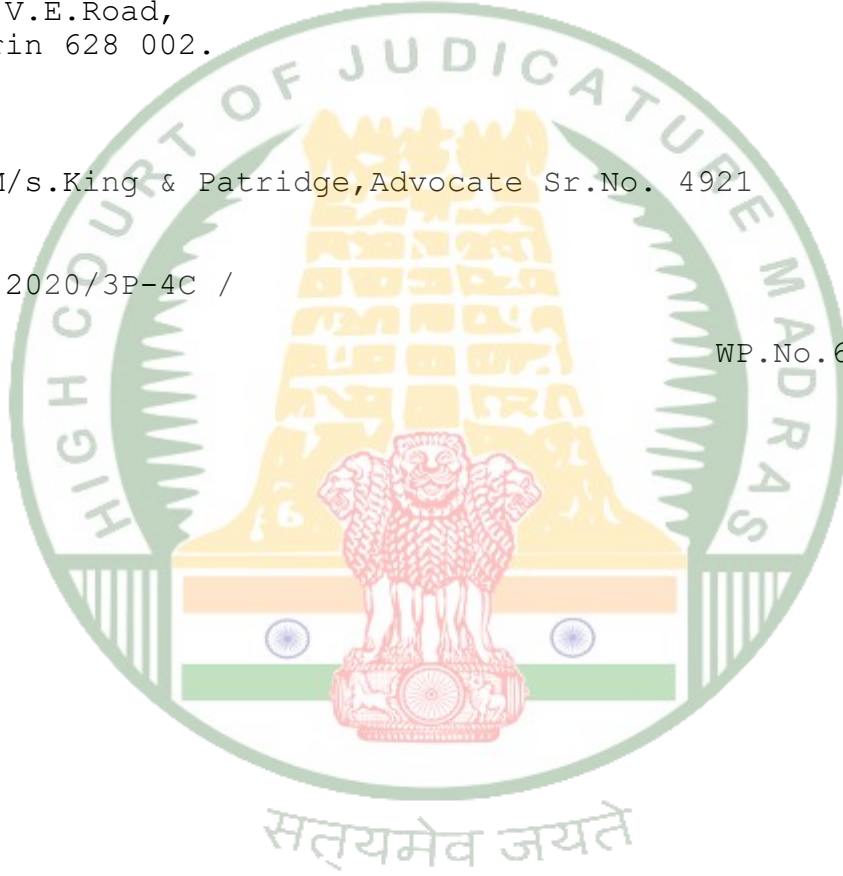
To

- 1.The Deputy Governor
Reserve Bank of India,
Department of Banking Operations and Developments,
Central Office Building,
Shahid Bhagat Singh Marg,
Mumbai 400 001.
- 2.Tamil Nadu Mercantile Bank Ltd.,
A Banking Company Incorporated under
Companies Act 1913,
No.57, V.E.Road,
Tuticorin 628 002.

+1 cc to M/s.King & Patridge, Advocate Sr.No. 4921

AKM/12.03.2020/3P-4C /

WP.No.6817 of 2016



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