

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.34321 of 2019
and W.M.P.No.34986 of 2019

M/s.Bank of India
Adayar Branch,
Chennai 600 020
rep.by its Authorised Officer ..Petitioner

Versus

1. The District Magistrate-cum-District Collector,
Tiruvallur, Tamil Nadu 602 001.
2. M/s.Saibaba Traders
rep.by its Proprietrix
Mrs.K.Vijaya
Chennai 600 037.
3. Mr.P.Baskaran ..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 19.11.2019 passed under reference Rc.No. 6610/ 2017/ M2 from the files of the 1st respondent herein and to quash the same and to consequently direct the 1st respondent to take physical possession of the secured asset more fully described in Schedule hereunder and to handover the same to the petitioner herein and to direct the respondents 2 and 3 to handover physical possession of the secured asset more fully described in schedule hereunder to the petitioner herein.

For Petitioner : Mr.T.Umasuthan

For R1 : Mr.R.Vijayakumar
Additional Government Pleader

For R3 : Mr.H.Manojin

ORDER

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

The petitioner Bank makes challenge to the proceedings of the 1st respondent dated 19.11.2019 and the matter has been entertained and notices were ordered. The matter is listed today.

2. The learned counsel appearing for the petitioner Bank has filed a Memo dated 17.12.2020 vide USR No.26551 of 2020, wherein it is stated among other things that the 1st respondent vide order dated 10.12.2020, has directed the Tahsildar, Tiruvallur Taluk, to take physical possession of the secured asset and hand over the same to the petitioner Bank and in the light of the same, nothing remains for further adjudication in this Writ Petition.

3. It is represented that the notice sent to the 2nd respondent / Borrower, returned with an endorsement, 'No Such Address'.

4. The learned counsel appearing for the 3rd respondent / guarantor would submit that he is yet to be issued with the copy of the proceedings of the 1st respondent and as and when, he receives the same, he may be granted liberty to workout his further remedy.

5. This Court heard the submission of the learned counsel appearing for the petitioner also.

6. In the light of the above cited Memo, nothing remains for further adjudication in this Writ Petition and therefore, no order needs to be passed and hence the Writ Petition is closed and if the 3rd respondent is so advised, he is at liberty to challenge the proceedings of the 1st respondent, in accordance with law before the competent Forum. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sk

To

The District Magistrate-cum-District Collector,
Tiruvallur, Tamil Nadu 602 001.

+1cc to the Government Pleader, S.R.No.2764

WP.No.34321 of 2019

ppa (CO)

rv(11/02/2021)