



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.19390 & 19391 of 2021

and

W.M.P(MD)Nos.16121, 16122, 16123 & 16125 of 2021

M/s.Hotel King Paradise,
Rep. by its Partner,
R.Ramkumar.

... Petitioner in W.P(MD)No.19390/2021

M/s.Amutha & Co,
Rep. by its Partner,
A.L.Ramanathan

... Petitioner in W.P(MD)No.19391/2021

Vs.

The Authorized Officer,
Indian Overseas Bank,
Tiruchy Main Branch,
127, West Boulevard Road,
Trichy - 620 008.

... Respondent in all W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Certiorarified Mandamus, to call for the records pertaining to the impugned possession notice dated 19.07.2021 issued by the respondent and directing the respondent not to take any coercive steps in pursuant to the sale notice dated 05.10.2021 issued by the respondent.

For Petitioner : Mr.S.Jeyakumar
(In both W.Ps')

For Respondent : Mr.N.Dilip Kumar
(In both W.Ps')



COMMON ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioners, who are the borrower and guarantor, have filed the above Writ Petitions to issue Writs of Certiorarified Mandamus, to call for the records pertaining to the impugned possession notice dated 19.07.2021 and the sale notice dated 05.10.2021 issued by the respondent.

2.Mr.R.Karthik, learned counsel appearing for the petitioners submitted that as against the very same possession notice dated 19.07.2021 and the sale notice dated 05.10.2021, which are impugned in the present Writ Petitions, the petitioners have already filed appeals before the Debts Recovery Tribunal and the same are pending.

3.Since according to the learned counsel appearing for the petitioners, the petitioners have already challenged the possession notice dated 19.07.2021 and the sale notice dated 05.10.2021, the present Writ Petitions are not maintainable. It is open to the petitioners to prosecute the appeals pending before the Debts Recovery Tribunal in accordance with law.

4.The learned counsel appearing for the petitioners further submitted that the petitioners are willing to pay the entire outstanding amount as of today to the respondent Bank.

5.It is always open to the petitioners to approach the respondent Bank and pay the entire outstanding amount and settle the matters.

6.In these circumstances, the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Authorized Officer,
Indian Overseas Bank,
Tiruchy Main Branch,
127, West Boulevard Road,
Trichy - 620 008.

+1 CC to M/s.N. DILIP KUMAR, Advocate(SR-33447[F] dated
01/11/2021)

W.P(MD)Nos.19390 & 19391 of 2021
29.10.2021

MGJ/PM(18.11.2021) 3P 3C