



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.28220 of 2021

Kamala Bai Bafna

..Petitioner

Vs.

1.Indian Overseas Bank
Rep. by its Authorised Officer
Specialised SME Guindy Branch
TANSTIA Building
No.10, GST Road
Guindy, Chennai 600 032.

2.Jain Granites and Projects India Limited
No.89, Harrington Road
North Shenoy Nagar
Opposite Pachaiyappas College
Chennai 600 031.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent to pass necessary orders for the cancellation of the MOD registered on 20.09.2013 vide Document No.2127 of 2013 in the wake of withdrawing or cancelling of the sanctioned credit limits to the tune of Rs.43.00 Crores on 18.09.2013 and a new sanction ticket for a reduced amount of Rs.25.00 Cr is issued on 23.11.2015. By all legal means the MOD registered on 23.11.2015 towards the previous loan of Rs.43.00 Cr (which had been cancelled or previous loan of Rs.43.00 Cr (which had been cancelled or withdrawn as on 23.11.2015) had become infructuous, since the 2 said loan was withdrawn or cancelled by the respondent and obviously, the guarantee given by the petitioner for the cancelled or withdrawn loan of Rs.43.00 Cr should also stand cancelled or withdrawn. In the light of the above mentioned stand taken by the respondent to pass such other further order as the Court may deem fit and proper in the facts and circumstances of the case.



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For the Petitioner : Mr.R.Rajkumar
For the Respondent : Mr.V.Kadhirvel
for respondent-1

ORDER
(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Learned counsel for the petitioner prays for withdrawal of the writ petition with liberty to approach the bank for payment of the entire due amount.

2. In view of the above, the writ petition is dismissed as withdrawn with liberty as prayed for. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kpl

To:

The Authorised Officer
Indian Overseas Bank
Specialised SME Guindy Branch
No.10, GST Road
Guindy, Chennai 600 032.

W.P.No.28220 of 2021

SSI (CO)
PR (11/01/2022)