



W.P.(MD) No.704 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.704 of 2022
and
W.M.P.(MD) No.560 of 2022**

Mary Sheela

... Petitioner

-VS-

1.The Chief Judicial Magistrate
Kanyakumari District
at Nagercoil

2.The Authorised Officer
Tamilnadu Mercantile Bank Ltd.,
Colachel Branch
17/W 21, Main Road
Colachel and Post
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records in CrI.M.P.No.8689 of 2021, dated 07.12.2021, on the file of the first respondent and quash the



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same and further forbear the second respondent from interfering with the possession of the petitioner's residential house comprised in R.S.No.B1-15/14 of Colachel B Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.Nimal.C.R.

For Respondents : R1 – Court
Mr.V.Karthikeyan for R2

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenge in this writ petition is to the order dated 07.12.2021, passed in Crl.M.P.No.8689 of 2021, by the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil, ordering to take possession of the secured asset, with a direction to the second respondent not to interfere with the petitioner's possession of the secured asset.

2. Today, when the matter was taken up for hearing, learned counsel appearing for the petitioner submitted that he is withdrawing this writ petition with liberty to the petitioner to work out her remedy in S.A.No.378 of 2021, pending before the Debts Recovery Tribunal, Madurai and he has also made an endorsement to that effect.



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3. In view of the endorsement so made, the writ petition is dismissed as withdrawn with liberty as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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To:
The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.



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