



W.P.(MD) No.10052 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.10052 of 2021
and W.M.P.(MD)No.7762 of 2021

A.Varatharajan

... Petitioner

Vs.

1.The Manager,
HDB Financial Services,
Radhika,
2nd Floor, Law Garden Road,
Navrangpura,
Ahmedabad – 380009.

2.The Branch Manager,
HDB Financial Services Ltd.,
438/1, 1st Floor,
Naganakulam,
Thirupalai,
Madurai 625 014.

... Respondents



W.P.(MD) No.10052 of 2021

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from initiating Parallel proceedings under the SARFAESI Act on the basis of the notice dated 22/3/2021 for auctioning the property comprised in R.S.No. 39/1, Door No. 321/1, Bastian Nagar, to an extent of 1320 sq.feet., Arasaradi, Arapalayam Village, Madurai District pending disposal of the E.P.No. 142/2019 on the file of 1st Additional District Court, Madurai filed for auctioning the same in pursuance of the award dated 14/1/2019 in Arb.Case. No. HBD-LAD 296/August 2017.

For Petitioner : No Appearance

For Respondents : Mr.M.Kannan for R2
No Appearance for R1

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

When the matter was taken up for hearing on 07.02.2023, the learned counsel appearing for the petitioner submitted that the petitioner died in the month of August, 2022 and therefore, for getting instructions from the legal heir of the petitioner, this matter was directed to be listed today under the caption 'for orders'.



W.P.(MD) No.10052 of 2021

WEB COPY

2. Today, when the matter is taken up for hearing, there is no representation for the petitioner and no steps have been taken by the petitioner to bring the legal heirs of the petitioner on record. Therefore, this Writ Petition is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
13.02.2023

NCC : Yes / No
Index : Yes / No

vsm



WEB COPY



W.P.(MD) No.10052 of 2021

D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

vsm

W.P.(MD) No.10052 of 2021

13.02.2023