



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Wednesday, the Twenty Sixth day of July Two Thousand
and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WMP(MD)No.12989 of 2023

in

WP(MD)No.5662 of 2023

Raju

... Petitioner/Petitioner/Petitioner

Vs

The Authorized Officer,
Tamilnad Mercantile Bank (TMB)
Padandhalmood Branch,
Kanyakumari District.

... Respondent/Respondent/Respondent

Prayer in WMP(MD)No.12989 of 2023 :- Writ Miscellaneous Petition filed under Article 226 of Constitution of India, to extend the time granted by this Hon'ble Court in WMP(MD)No.5265 of 2023 in WP(MD)No.5662 of 2023 dated 16.03.2023.

Prayer in WMP(MD)No.5265 of 2023 :- Writ Miscellaneous Petition filed under Article 226 of Constitution of India, to stay the further proceedings pursuant to the original impugned Sale Auction Notice dated 24.02.2023 issued by the Respondent



Bank by scheduling to conduct Sale Auction on 29.03.2023 at 11.00 am, pending disposal of the above writ petition.

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Prayer in WP(MD)No.5662 of 2023 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the entire record pertaining to the impugned Sale Auction Notice dated 24.02.2023 issued by the Respondent Bank and scheduled conduct Sale Auction on 29.03.2023 at 11.00 am, and quash the same.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.M.Vishnuvarthanan, Advocate for the Petitioner and of Mr.N.Dilip Kumar, Standing Counsel for the Respondent, this Court made the following order:-

This application is filed for extension of time granted by this Court vide order, dated 16.03.2023.

2. When the matter is taken up for hearing today, it is stated by the learned counsel for the petitioner that the petitioner has already approached the Debts Recovery Tribunal, by way of Sarfaesi Application. Therefore, he seeks permission of this Court to withdraw this petition with liberty to pursue the application filed before the Debts Recovery Tribunal and he has also made an endorsement to that effect.



3. Granting such liberty, this Writ Miscellaneous Petition is dismissed as withdrawn.

// True Copy //

Sd/-
Assistant Registrar(CS-II)

/08/2023
Sub Assistant Registrar(CS)

TO

The Authorized Officer
Tamilnad Mercantile Bank (TMB)
Padandhalmood Branch,
Kanyakumari District.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-36032[I] dated 27/07/2023)

+1CC to M/s. N.Dilip Kumar, Advocate, SR.No. 35944



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Hon`ble Mr.Justice

S.S.SUNDAR

AND

Hon`ble Mr.Justice

D.BHARATHA CHAKRAVARTHY

ORDER DATED : 26/07/2023

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ORDER

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WMP(MD)No.12989 of 2023

and

WP(MD)No.5662 of 2023

Giving direction and etc.

as stated within.

KB(10.08.2023) 4P 4C