



WP(MD). No.26302 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 29/10/2024

CORAM

**THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ**

**WP(MD). No.26302 of 2024
and WMP(MD) No.22305 of 2024**

M.Sathiyavathi

... Petitioner

Vs

1. M/s. Indian Overseas Bank,
Having Branch Office At Iruthayapuram Branch,
Palakarai, Trichy – 620 008,
Rep by its Authorized Officer,
Trichy Regional Officer,
Mr.Bhanu Murthy

2. P.Philip Prakasam

3. T.Deva Anugraham

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the 1st respondent from taking physical possession of the property comprised in Door No.247 Anthonyar Kovil Street Chinthamani, Trichy with building constructed thereon on the basis of the order passed in Cr.M.P.No.19513 of 2024 on the file of the Chief Judicial Magistrate Court Trichirappalli dated 15.10.2024 till such time the said order is going to be challenged



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before the Debts Recovery tribunal Madurai by the petitioner.

For Petitioner : Mr.M.Ponnaiah
For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

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

After the petition was heard for sometime and considering the fact that 31.10.2024 is Diwali and until 02.11.2024, probably even the Debt Recovery Tribunal would be closed, where petitioner could approach for filing an appeal against the order passed under Section 14 of the SARFAESI Act, Mr.N.Dilip Kumar stated he will prevail upon the Advocate Commissioner to hold his hands for a week from today, only to the extent of the property mentioned in the petition as being in possession of petitioner.

2. In view of this submission made by counsel for respondent No. 1, counsel sought leave to withdraw the petition to file an appeal before the Debts Recovery Tribunal.



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3. Petition is dismissed as withdrawn. There shall be no order as to costs. Consequently, connected interim application also stands dismissed.

(K.R.SHRIRAM, C.J.) (MOHAMMED SHAFFIQ, J.)

29.10.2024

NCC : Yes/No
Index : Yes/No

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AND

MOHAMMED SHAFFIQ, J.

RR

ORDER

IN

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