

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:05-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.15861 of 2015 and M.P.No.1 of 2015

1 V.Manthiram
S/o.Vlupandian
No.7/G Ground Floor
Chandra Apartment
Ragavendra Nagar Extension
Korattur
Chennai.

Petitioner

Vs

1 The Authorised Officer
Dena Bank
Alwarpet Branch
Sapthagiri Apartment
No.83 TTK Road, Alwarpet
Chennai-18.

2 Ramesh Ramasamy
S/o.A.R.Muthuraman
No.150/2 Amudhalingam
Santhome High Road, Mylapore, Chennai-4.

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the 1st respondent from evicting the petitioner in pursuance of the Sale Notice having Ref.DB/ ALWP/ EV/.710/2014 dated 22.8.2014 from the premises bearing Door No.7/G, Ground Floor, Chandra Apartment, Korattur, Chennai except by due process of law.

For petitioner :: Mr. R. Venkatavarathan

ORDER

(Order of the Court is made by SATISH K. AGNIHOTRI,J.)

The petitioner, claiming to be a lawful tenant, in possession of the property in question, has come up with this petition for a

direction forbearing the first respondent from evicting him in pursuance of the sale notice dated 22.08.2014 issued under provisions of Rule 8(5) and 9(1) of the Security Interest (Enforcement Rules) 2002. The said notice provides for giving thirty days' notice to the borrower as required under law. The petitioner has not taken any steps till date.

2. We are not aware as to what has happened, i.e., as to whether a third party interest has been created or not, or the property has been put on sale. Thus, for want of the aforestated information, we are unable to adjudicate the dispute and take any decision.

3. According to the learned counsel for the petitioner, the said notice has not resulted into disposal of the property by auction, as indicated therein.

4. Be that as it may, if it is so, the petitioner is at liberty to make appropriate representation before the authorities for proper action. The petitioner, if he is in possession of the property in dispute, is fully competent and has jurisdiction to make a representation to the sale notice dated 22.08.2014, after having come to know of the issuance of sale notice. Accordingly, we are not inclined to interfere. However, liberty is reserved to the petitioner, as aforestated, to take necessary steps, if so advised.

5. In the result, the writ petition is dismissed with liberty to the petitioner, as indicated above. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Authorised Officer
Dena Bank
Alwarpet Branch
Sapthagiri Apartment
No.83 TTK Road, Alwarpet
Chennai-18.

+1 cc to Mr.R.Venkatavaradhan, Advocate, SR.26774.

Gp(co)
krd 23/6

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