

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.P.No.15966 of 2015
and
M.P.No.1 of 2015

V.Ranjith Chandar

... Petitioner

Vs.

1. The District Collector cum District Magistrate, Coimbatore District, Coimbatore.
2. The Tahsildar (South), Coimbatore District, Coimbatore.
3. Indian Overseas Bank, Coimbatore Main Branch, No.1218, Big Bazaar Street, Coimbatore - 641 001.
4. P.Kamalam
5. M/s.Ganga Arthi Infra Pvt. Ltd, Coimbatore - 641 012.
6. M/s.Hi-tech Mineral Industries Kovai Pvt. Ltd., Coimbatore - 641 037.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the first respondent to issue necessary orders directing the second respondent to break open and remove the seal in the property at D.No.1447, Avinashi Road adjacent to PSGR Krishnammal Arts College Road, Peelamedu, Coimbatore - 641 004 in S.No.468, Sowripalayam Village, Coimbatore Taluk, Coimbatore District forthwith within the time frame as may be fixed by this Court and permit the petitioner and the students of the

hostel in the above address to remove their personal belongings which are not subject matter of the sale of the property that took place on 24.11.2014 and consequently grant sufficient protection to the parties during such process.

For Petitioner : Mr.S.Silambanan, Sr. Counsel
for M/s.Profexs Associates

For Respondents : Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1 & R2
Dr.T.Ramasamy for R3
Mr.R.Bharanidharan for R5
R4 & R6 - No appearance

ORDER

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

The petitioner has come up with the writ petition, seeking a direction to the first respondent to issue necessary orders directing the second respondent to break open and remove the seal in the property at D.No.1447, Avinashi Road adjacent to PSGR Krishnammal Arts College Road, Peelamedu, Coimbatore - 641 004 in S.No.468, Sowripalayam Village, Coimbatore Taluk, Coimbatore District and permit the petitioner and the students of the hostel in the above address to remove their personal belongings which are not subject matter of the sale of the property that took place on 24.11.2014 and consequently grant sufficient protection to the parties during such process.

2.Giving up other submissions, the learned senior counsel appearing for the petitioner submits that since the property in question has already been handed over to the auction purchaser viz., 5th respondent, after sale of the property in the auction, the petitioner is not claiming any relief except the articles and fixtures, which are not the subject matter of the property, be permitted to be removed by the petitioner as the same belong to the petitioner.

3.Mr.R.Bharanidharan, learned counsel appearing for the fifth respondent/auction purchaser and Mr.T.Ramasamy, learned counsel appearing for the third respondent/Bank jointly submit that they have no claim on the articles and fixtures lying in the property in question. It is further contended by the learned counsel for the third respondent that notice was given to the petitioner for the

purpose of collecting the articles, which are lying in the property in question. The petitioner has not come forward to claim the same. Be that as it may, as aforesaid, since the dispute with regard to the property in question stands settled, for the time being, without expressing any opinion on other issues, we direct the first respondent to permit the petitioner to collect all the articles and fixtures lying in the property in question, within a period of one week from the date of receipt of a copy of this order. The fifth respondent/auction purchaser is directed to facilitate the removal of the said articles and fixtures, if any.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector cum District Magistrate, Coimbatore District, Coimbatore.
2. The Tahsildar (South), Coimbatore District, Coimbatore.
3. The Manager, Indian Overseas Bank, Coimbatore Main Branch, No.1218, Bigh Bazaar Street, Coimbatore.

+1cc to M/s.Profexs Associates, Advocate, S.R.No.28463

+2cc's to Dr.T.Ramasamy, Advocate, S.R.No.27853

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.27997

+1cc to the Government Pleader, S.R.No.28072

RSY(CO)
CA(22/06/2015)

W.P.No.15966 of 2015