

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-03-2015

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

WRIT PETITION No.33908 of 2014
and
M.P.No.1 of 2014

A.Abdul Samad .. Petitioner

vs

1. Housing Development Corporation Ltd.,
(HDFC)
Rep. B y its Assistant General Manager
II Floor, ITC Avenue,
No.760, Anna Salai, Chennai 600 002

2. P.S.Jothiammal ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to give sufficient time till 31.5.2015 to vacate the subject premises, without evicting from the same in relation to taking possession pursuant to any securitisation proceedings initiated by the first respondent against the second respondent.

For Petitioner : Mr.C.Mahendran

For Respondents : Mr.K.J.Parthasarathy for R1
Mr.D.Nagasundaram
for Mr.R.Thirumoorthy for R2

ORDER

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

This is a petition filed by the tenant seeking for some time to vacate the subject premises. In response, the first respondent-financial institution has come forward with a plea that if a proper undertaking is given to vacate the premises peacefully without creating any encumbrance, the Bank has no objection to the same.

2.The petitioner had filed an undertaking affidavit to that effect on 19.12.2014, seeking for time till 30.4.2015 to hand over vacant possession of the property at Flat No.F2, First Floor, having an extent of 1500 sq. ft. in New Door No.37, Old No.5, Thiruveethiyan Street, Gopalapuram, Chennai 600 086.

3.The said undertaking is recorded. We make it clear that during the said period, the petitioner shall not create any third party interest or encumbrance on the property in question. Accordingly, the petitioner is permitted to vacate the said premises on or before 30.4.2015 subject to the terms of the undertaking as recorded herein above.

4.Resultantly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

nsv

-s/d-
Assistant Registrar(CO)
Dt:10/3/2015

True Copy

Sub-Assistant Registrar

To:

The Assistant General Manager
Housing Development Corporation Ltd.,
(HDFC)
II Floor, ITC Avenue,
No.760, Anna Salai, Chennai 600 002

+ 1 cc to Mr.K.J.Parthasarathy, Advocate SR 12308

+ 1 cc to Mr.C.Mahendran, Advocate SR 12266

scd(co)
prk10/3

W.P.No.33908 of 2014

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