

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 18.9.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.19019 of 2015

S.Selvaganapathy

.... petitioner

versus

- 1 M/s.Indian Bank
Rep by its Branch Manager Chetput Branch
812 Periyar EVR High Road
Chetput Chennai 10
- 2 The Authorised Officer/Chief
Manager Indian Bank Chetput Branch 812
Periyar EVR High Road Chetput Chennai 10
- 3 M/s.S.R.Minerals
Rep by its Proprietrix Ms. Lalitha
Rajasekaran 28/11 9th Street Kumaran
Colony Vadapalani Chennai 26
- 4 Ms.S.Renuka Balu
T-4 Green Palace Bharathi Street
Subramania Nagar Salem 636 005 .. Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents 1 and 2 herein to de-seal and de-lock the residential premises bearing Door No.82, Karudapalaya Street, TR Pattinam Revenue Village, Karaikkal District, bearing Re-Survey No.121/364 Patta 307 (N) with Manaikut area measuring 04A 78 Ca or 5143 sq.ft or thereabouts in pursuant to the notice dated 13.6.2015.

For petitioner : Mr.R.Selvakumar,
for Mr.D.Balasubramanian

For Respondents : Mr.Jayesh B.Dolia
for M/s.Aiyar and Dolia

O R D E R

(made by K.K.SASIDHARAN, J.)

The petitioner, who is stated to be a tenant, seeks a direction to the respondents 1 and 2 to de-seal the residential premises bearing D.No.82, Karudapalaya Street, TR Pattinam Revenue Village, Karaikkal District, primarily on the ground that he is a statutory tenant and as such, liable to be evicted only in accordance with the provisions of Puducherry Buildings (Lease and Rent Control) Act.

2. The second respondent initiated proceedings against respondents 3 and 4 invoking the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. The property was auctioned by the Bank. The successful bidders have remitted the bid payment as per auction notification. It is the grievance of the petitioner that without his knowledge, the property was locked.

3. When the Writ Petition came up for hearing on 11 September 2015, the learned counsel for the petitioner on instruction submitted that the petitioner is prepared to vacate the premises by the end of January 2015, in case he is granted time. We, therefore, directed the petitioner to file an affidavit.

4. The petitioner filed an affidavit dated 14 September 2015 indicating that he would handover vacant possession of the property to the respondents 1 and 2 on or before 31 January 2016.

5. The petitioner has produced documents to show that he has been residing at D.No.82, Karudapalaya Street, TR Pattinam Revenue Village, Karaikkal District. The petitioner now wanted to reside there till 31 January 2016. In view of the undertaking given by the petitioner, he should be given reasonable time.

6. We direct respondents 1 and 2 to de-seal the premises and permit the petitioner to occupy, after taking an inventory. Such exercise shall be completed within a period of one week from the date of receipt of a copy of this order. The Bank should permit the petitioner to reside there till 31 January 2016.

7. The petitioner is directed to vacate and handover vacant possession of the property to the Bank, as agreed by him, on or before 31 January 2016. In case the petitioner fails to honour his commitment, it is open to the Bank to initiate proceedings for contempt.

8. The Writ Petition is disposed of with the above direction. No costs. Consequently, M.P.No.1/2015 is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

tar

To

- 1 The Branch Manager, M/s.Indian Bank
Chetput Branch
812 Periyar EVR High Road
Chetput Chennai 10
- 2 The Authorised Officer/Chief
Manager Indian Bank Chetput Branch 812
Periyar EVR High Road Chetput Chennai 10

+1 cc to Mr.G.Balasubramanian, Advocate, sr.51158
+1 cc to Mr.Aiyar & Dolia, Advocate, sr.51282

W.P. No.19019 of 2015

jsv co
kra 30/09

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