

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.32301 of 2015

Union Bank of India  
Asset Recovery Branch  
represented by its Chief Manager - Law  
and Authorised Officer  
Ground Floor, Union Bank Bhavan  
No.139, Prakasam Road  
Broadway, Chennai 600 108

Petitioner

vs.

1 The Chief Metropolitan Magistrate  
Chennai Metropolitan Division  
Chennai 600 003

2 M.G.M. Exports  
a Partnership firm  
represented by its Partners

3 M.S. Gunasekaran

4 M.S.G. Bhuvan Kumar

5 Vasantham Associates  
represented by its Partner  
C. Jayakumar  
29, Lakshmi Apartments  
16<sup>th</sup> Cross Street  
Navalkeny, Chrompet,  
Chennai 600 044.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Chief Metropolitan Magistrate, the first respondent herein, to take physical possession of the secured asset being No.40/7, Ramakrishna Street, T. Nagar, Chennai 600 017, by evicting the respondents 2 to 5 and the alleged inmates claiming to be the lessees of the secured asset and forward the asset to the petitioner within a time-frame.

For petitioner Mr. A.V. Arun

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

The instant writ petition is filed seeking a direction to the Chief Metropolitan Magistrate, the first respondent herein, to execute the order passed by him on 12 December 2014 in CrI.M.P. No.5494 of 2014 in CrI.M.P. No.2079 of 2014.

2 At the threshold, we are constrained to observe that we are at a loss to appreciate as to how this writ petition is maintainable. The first respondent is competent to ensure that the order passed by him is executed. We are afraid that we may not permit converting this Court as an executing Court of the orders passed by the Chief Metropolitan Magistrate. Thus, we are of the considered view that this writ petition is frivolous.

3 As a sequitur, the writ petition fails and is accordingly dismissed. Costs made easy.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

The Chief Metropolitan Magistrate  
Chennai Metropolitan Division  
Chennai 600 003.

+ 1 cc t Mr.A.V. Arun, Advocate Sr.55890

W.P. No.32301 of 2015

AD(CO)  
Eu 29.10.15