

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2015

Coram

The Honourable Mr.Justice SATISH K. AGNIHOTRI
and
The Honourable Dr.Justice P.DEVADASS

W.P.No.33954 of 2015
and M.P.Nos.1 and 2 of 2015

Vathsala Rajan ..Petitioner
..Vs..

1.The District Collector
Collectorate
Kancheepuram District
Kancheepuram 631 501

2.The Tahsildar
Office of the Tahsildar
Sozhinganallur
Kancheepuram District

3.The Authorized Officer
United Bank of India
Southern Region, 184/132
Ramakrishna Math Road
Mandaveli, Chennai-600 028

4.R.M.Ramanathan
5.R.Arumugasamy

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus directing the respondent calling for the records pertaining to the proceedings dated 24.09.2015 on the file of first respondent and quash the same as illegal and direct the 1st and 2nd respondents to handover possession of the Shop No.3, 72/2, in R.K.Building Mazura Gardens, East Coast Road, Neelankarai, Chennai-600 041 to the petitioner by removing the seal and lock by the 2nd respondent on 07.10.2015.

For petitioner : Mr.S.Sethuraman

For respondents: Mr.AR.L.Sundaresan,

Senior Counsel for Mr.P.V.Ganesh

M/s.Kurian Associates for R3

Mr.P.S.Sivashanmugamsundaram,

Special Govt Pleader for R1 and R2.

ORDER

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

With consent, the writ petition is taken up for final disposal.

This writ petition is filed challenging the order dated 24 September 2015 passed by the first respondent and for a direction to respondents 1 and 2 to handover possession of the Shop No.3, 72/2, in R.K.Building Mazura Gardens, East Coast Road, Neelankarai, Chennai-600 041 to the petitioner by removing the seal and lock affixed by the 2nd respondent on 07 October 2015.

2 Mr.S.Sethuraman, learned counsel for the petitioner seeks time for producing certain relevant documents. According to the learned counsel, the petitioner is in possession of the aforestated premises. He further submits that the petitioner is willing to vacate the premises and hand-over the same to the respondent Bank. Thus, some time may be granted to the petitioner, subject to her giving an undertaking to the 3rd respondent-Bank to vacate the premises peacefully without creating encumbrance or alienation.

3 Learned Senior Counsel appearing for the 3rd respondent-Bank fairly submits that since the petitioner is already in possession of the premises in question, some time may be given to her, subject to her submitting an usual undertaking.

4 Accordingly, we grant 8 weeks time to the petitioner to vacate the premises, viz., Shop No.3, 72/2, in R.K.Building Mazura Gardens, East Coast Road, Neelankarai, Chennai-600 041 and handover the possession of the same to the third respondent bank, peacefully, without creating any encumbrance or alienating the property to any third party, subject to filing of an undertaking within a period of one week. In the mean time, the petitioner shall pay the amount to the Bank for the use and occupation of the premises.

5 The Writ Petition is disposed of with the above direction. No costs. Consequently, connected M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The District Collector
Collectorate
Kancheepuram District
Kancheepuram 631 501

2.The Tahsildar
Office of the Tahsildar
Sozhinganallur
Kancheepuram District

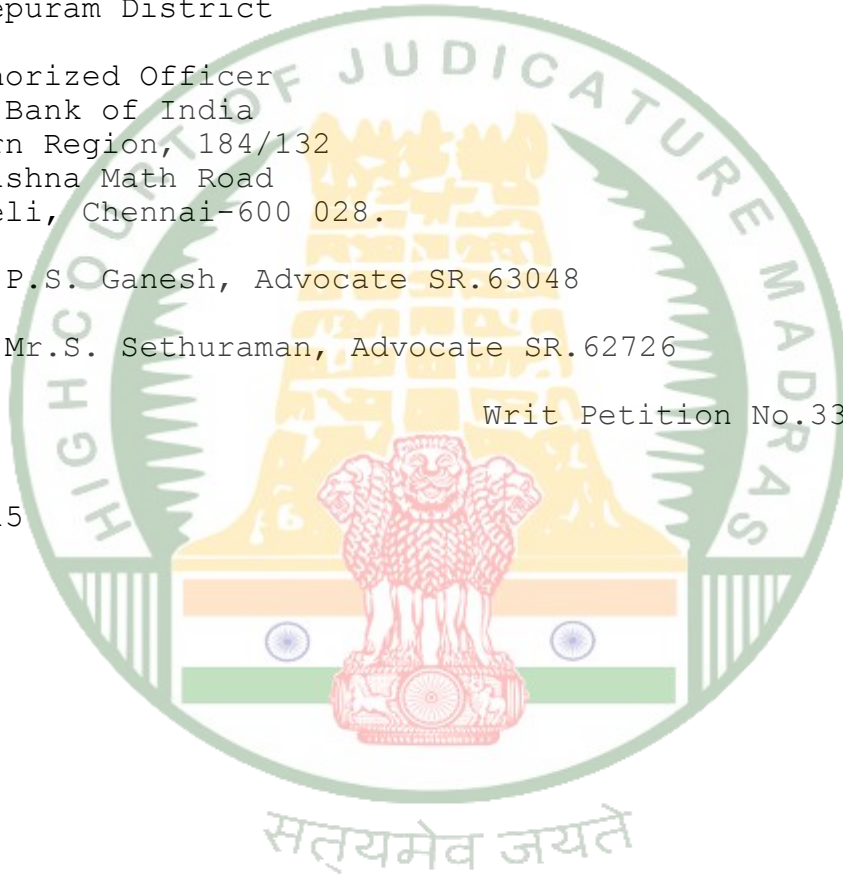
3.The Authorized Officer
United Bank of India
Southern Region, 184/132
Ramakrishna Math Road
Mandaveli, Chennai-600 028.

+ 1 cc Mr.P.S. Ganesh, Advocate SR.63048

+ 1 cc to Mr.S. Sethuraman, Advocate SR.62726

Writ Petition No.33954 of 2015

PUR(CO)
EU 08.12.15



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