

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.37298 of 2015
and
M.P.Nos.1 and 2 of 2015

M.Alphonse Packiaraj ... Petitioner
Vs.

1.M/s.L&T Housing Finance Ltd.,
(Inter Alia Branch),
6th Floor, KGN Towers,
No.62, Ethiraj Salai,
(Commander-in-Chief Road)
Egmore, Chennai - 8 rep. by its
Authorised Officer P.Srinivasan

2.The Chief Metropolitan Magistrate,
Allikulam, Chennai - 3.

3.R.Zainudeen

4.Shoba Chetty

5.K.N.Loganathan

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the second respondent passed in CrI.M.P.No.1464 of 2015 in Cr.M.P.No.6448 of 2014 dated 24.08.2015 and quash the same and consequently forbear the first respondent, their men, agents from interfering with the physical possession of the petitioner and from in any manner evicting the petitioner from the property situated at old Door No.28, New Door No.24 (Ground Floor), Vellala Street, Villivakkam, Chennai - 49 comprised in Survey No.348/1, T.S.No.172, Block No.57 of No.71, Konnur Village, Purasawalkam, Perambur Taluk, within the limits of Corporation of Chennai, except following due process of law.

For Petitioner .. Mr.S.Nedunchezian
for M/s.G.Vijayanand Associates

For Respondents .. Mr.D.Pradeep Kumar
for Mr.T.Dhanyakumar for R1
R2 & R5 - Notice served
No appearance
R3 & R4 - Notice unserved

ORDER

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

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.On 24 November 2015, notice confining to the extent of granting some time to the petitioner to vacate the premises in question, was issued. Learned counsel appearing for the first respondent submits that though sufficient time is granted, the petitioner had chosen to come to this Court only after completion of three months and hence, no time should be granted. Be that as it may, having regard to the calamitous condition in the city of Chennai, we are inclined to grant time till 31.12.2015, to the petitioner, to vacate the premises in question, subject to filing of an undertaking to handover peaceful vacant possession within a period of one week from today.

3.With the above observation and direction, the writ petition shall stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

True Copy

Sub Assistant Registrar

To

The Chief Metropolitan Magistrate,
Allikulam, Chennai - 3.

+1cc to Mr.T.Dhanyakumar, Advocate sr.66501

+1cc to Mr.G.Vijayanand, Advocate sr.18164[22/12/2015]

W.P.No.37298 of 2015

kgk[co]
srg 21/12/2015