

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.6.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.21391 of 2014
and
M.P.No.1 of 2014

Ramkrishnan Kulwant Rai Holdings Pvt. Ltd.
rep. by its Authorized Signatory
Mrs.A.Lalitha
403 Thiruvottiyur High Road
Chennai-600 019. Petitioner

Versus

- 1 Indian Bank
Having its Office at No.42 Gee Gee Complex
Anna Salai Chennai-600 002.
- 2 RKKR Steels Ltd
Having its Registered Office at No.6/13
North Avenue K.P.Puram Chennai-600 028.

- 3 Rithesh Rai
 - 4 Rajiv Rai
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the first respondent from proceeding further against the property of the petitioner over which the notice was affixed and a banner was hung in under the provision of SARFAESI Act.

For petitioner : Mr.A.Kalaivanan

For R1 : Mr.Jayesh B.Dolia for M/s.Aiyar & Dolia
For RR2 to 4 : Mr.V.Anilkumar for Mr.S.R.Rajagopal

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus forbearing the first respondent from proceeding further against the property of the petitioner over which the notice was affixed and a banner was hung under the provision of SARFAESI Act.

3. The grievance of the petitioner is that the first respondent-bank has affixed some notices and hung a banner on the property of

the petitioner contending that they have taken symbolic possession of the property belonging to the petitioner, when the petitioner has neither borrowed any amount from the bank nor stood as guarantor for any loan with the said bank.

4. Learned counsel for the first respondent-bank has submitted that the notice affixed and the banner hung are in respect of the property of respondents 2 to 4 and not the property that belongs to the petitioner.

5. Hence, the writ petition is disposed of with the above clarification. However, it is made clear that the bank authorities shall remove the banner and the notice from the property of the petitioner and affix it elsewhere. No costs. The connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To:

1 Indian Bank
Having its Office at No.42 Gee Gee Complex
Anna Salai Chennai-600 002.

+1 cc to Mr.Aiyar & Dolia, advocate,sr.35391

+1 cc to Mr.Kalaiivanan, Advocate,sr.35012

+1 cc to Mr.S.R.Rajagopal, advocate,sr.35011.

pvr(co)
krd 1/8

W.P.No.21391 of 2014

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