

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.8.2016

CORAM

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

W.P.Nos.25763, 25764 of 2016
and
W.M.P.Nos.22080 to 22083 of 2016

P.Govindaraj
Proprietor of M/s.Veeramathi & Co.
S.F.No.378/1B1 Kallipalayam Village
Coimbatore Taluk Pethayakkenpalayam
Kallipalayam Post Coimbatore Petitioner in WP 25763/16
V.Senthilkumar Petitioner in WP 25764/16

Versus

- 1 The District Magistrate cum
District Collector
Collectorate Building
Coimbatore 641 018
- 2 M/s.Syndicate Bank
Gandhipuram Branch Coimbatore
- 3 K.Chinnaraj Respondents 1to3 in both WPs
- 4 C.Karthik R4 in W.P.No.25763 of 2016

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India seeking issuance of writ of certiorari calling for the records on the file of the 1st respondent in proceedings bearing Ref.No.1987/2016/E3 leading to the order dated 20.6.2016 and quash the same.

For petitioners : Mr.P.J.Rishikesh

For R1 in both WPs : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

COMMON ORDER

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

Heard the learned counsel appearing for the petitioners and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the first respondent.

2. The writ petitions have been filed seeking issuance of writ of certiorari calling for the records on the file of the 1st respondent in proceedings bearing Ref.No.1987/2016/E3 leading to the order dated 20.6.2016 and quash the same.

3. The case of the petitioners is that they are the tenants under respondents 3 and 4 on the basis of the lease agreements they entered with the landlords/respondents 3 and 4 which are still in existence, but, they sought to be evicted from the premises in question by the second respondent by initiating proceedings under section 14 of the SARFAESI Act for the default committed by the landlords in repaying the monies borrowed by them from the second respondent-bank. Hence, the present writ petitions have been filed.

4. It appears that aggrieved against the consequence viz., eviction proceedings that would follow the proceedings under the SARFAESI Act initiated by the second respondent, representations are said to have been submitted by the tenant to the first respondent.

5. Therefore, it is for the District Collector to give notice to the parties concerned including the bank and to pass necessary orders on the representations submitted by the writ petitions. However, it is also made clear that the right of the tenant, if any, viz., extension of time for vacating also could be considered by the first respondent, taking into consideration the hardship that would be caused to the bank, the petitioner/tenant and the owner of the property. The writ petitions are disposed of accordingly. The connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

- 1 The District Magistrate cum
District Collector
Collectorate Building
Coimbatore 641 018
- 2 M/s.Syndicate Bank
Gandhipuram Branch Coimbatore

+2 cc's to M/s.P.J.Rishikesh,advocate,sr.47991
+1 cc to Govt.Pleader,sr.48268.

mp(co)
krd 19/9

W.P.Nos.25763 & 25764 of 2016