

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

Writ Petn.No.32001 of 2016
and
WMP No.27753 of 2016

1.A.Ashok Kumar
2.Mrs.Arunkumari
3.A.Nanda Kumar
4.A.Krishnakumar Petitioners

vs.

1.M/s.City Union Bank
Rep. by its Manager
Mount Road Branch
No.706, Anna Salai
Chennai - 600 006

2.C.Abdul Khader ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus forbearing the respondents, their men, agents, servants, assigns or anybody claiming through them from interfering in any way with the petitioners' peaceful possession and enjoyment of the property which is morefully described in the schedule given in the petition, until the appeal in A.I.R.No.597/2015 on the file of Debts Recovery Appellate Tribunal, Chennai.

For Petitioners : Mr.G.Ilangovan

ORDER

(delivered by S.MANIKUMAR, J)

Statutory appeal No.597/2015 has been filed, in which, writ petitioners, by filing an interim application, have sought for an ad-interim injunction, restraining the respondents, their men, agents, servants, assigns or anybody claiming through them from interfering in any way with the writ petitioners' peaceful possession and enjoyment of the subject property more fully

described in the schedule to the said petition.

2. Mr.G.Ilangovan, learned counsel for the writ petitioners, fairly submitted that interim application has been entertained, but without providing adequate opportunity of hearing, only notice has been ordered in the said petition. Pending disposal of the interim application, writ petitioners have sought for a mandamus directing the respondents, their men, agents, servants, assigns or anybody claiming through them from interfering in any way with the writ petitioners' peaceful possession and enjoyment of the property morefully described in the schedule given to the petition.

3. Even as per the version of the writ petitioners, for the very same prayer, a petition for interim injunction is pending on the file of the Debts Recovery Appellate Tribunal in which notice has been order and in such circumstances, there cannot be a simultaneous and parallel proceedings. Though Mr.G.Ilangovan, learned counsel for the petitioners, submitted that adequate opportunity of hearing has not been given, this court is not inclined to countenance the same. Learned counsel for the petitioners is permitted to pursue the application filed in A.I.R.No.597/2015 for injunction before the Tribunal.

Writ petition is not maintainable and hence the same is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

asr

To
The Registrar,
The Debts Recovery Appellate Tribunal,
Chennai

W.P.No.32001 of 2016

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