

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.07.2016

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOohana RAO**  
**AND**  
**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

**W.P(MD)No.11417 of 2016****and****W.M.P(MD)No.8735 of 2016**

Manoharan

... Petitioner

Vs.

1.The Authorised Officer,  
Indian Bank,  
Vilakuthoon Branch,  
Madurai.

2.The Branch Manager,  
Indian Bank,  
Nagamalai Pudhukottai Branch,  
Madurai.

3.The Recovery Officer,  
Debt Recovery Tribunal, Madurai.

4.The Tahsildar,  
West Taluk, Madurai.

5.The Village Administrative Officer,  
Kochadai, Madurai.

6.C.Manimala

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from dispossessing or evicting the petitioner from the property comprised in 200/2, Plot No.5, Krishnan Koil Street, TPM Nagar, Theni Main Road, Kochadai Village, Madurai South Taluk, wherein he is a lawful tenant under the sixth respondent except under the Tamil Nadu Buildings Lease and Rent Control Act.

For Petitioner

: Mr.R.G.Shankar Ganesh

For Respondents

: Mr.M.Alagathevan,

**ORDER**

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

On 30.06.2016, when we have taken up the matter, Sri.Manoharan, the petitioner in this writ petition appeared and made a statement before us that if three months time is granted, he being the tenant of the premises in question, would vacate the premises quietly and deliver vacant possession of the premises in question. But however, since the learned Counsel for the petitioner is not present on that day, we adjourned the matter to today.

2. Sri.R.G.Shankar Ganesh, learned Counsel for the petitioner is present. He has also drawn a Memo, dated 05.07.2016 and filed into the Court in the matter.

3. The learned Counsel for the petitioner would urge that time may be granted till 14.11.2016, so that, the petitioner would quietly vacate the premises in question and deliver vacant possession thereof. So that the respondents 1 and 2 can deal with the secured asset in the manner considered appropriate by them.

4. We felt that the request made by the petitioner as well as the learned Counsel for the petitioner is a reasonable one. By putting up the respondents on notice and adjourning the case for that purpose, the issue would unnecessarily get dragged on. On the other hand, by granting time as sought for till 14.11.2016, the interest of both sides can be protected reasonably. Hence, the following direction is issued:

Subject to the writ petitioner quietly and peacefully vacating the premises in question, latest by 14.11.2016 and delivering vacant possession thereof, to either of the first respondent or the second respondent, with a notice in writing delivered to the landlord, who is the principal borrower and subject to payment of rent/licence fee right upto 14.11.2016, with either of the first respondent or the second respondent, the respondents 1 and 2 are directed not to evict the petitioner from out of the premises in question till 14.11.2016. It is needless for us to observe that this undertaking furnished by the petitioner as reiterated by the learned Counsel for the petitioner, is an enforceable one.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(RECORDS)

/True Copy/

Sub Assistant Registrar



To

1.The Recovery Officer,  
Debt Recovery Tribunal,  
Madurai.

2.The Tahsildar,  
West Taluk,  
Madurai.

3.The Village Administrative Officer,  
Kochadai,  
Madurai.

+1cc to Mr.R.G.SANKAR GANESH,Advocate Sr.No.35006

RSB

AA/KBM/15.07.2016/3p-5c

W.P (MD) No.11417 of 2016

and

W.M.P (MD) No.8735 of 2016

05.07.2016