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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16809 of 2017

and

W.M.P (MD) No.13411 of 2017

Subramanian

... Petitioner

Vs.

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Authorized Officer,
Tamilnad Mercantile Bank,
Sankarankovil Branch,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the lock and seal of the petitioner's house bearing Door No.2/62-1, Ward No.3, North Vijayanarayanam Village, Nanguneri Taluk, Tirunelveli District and consequently direct the 2nd respondent to handover the possession of the same to the petitioner.

For Petitioner	: Mr.C.Thamburajan
For R1	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R2	: Mr.A.R.M.Ramesh

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner availed financial assistance from the Tamil Nadu Mercantile Bank. Since there was no repayment as per schedule, the Bank initiated proceedings under SARFAESI Act. The Bank after obtaining the orders from the District Magistrate under Section 14 of the SARFAESI Act took possession. The present petition is filed to direct the respondents to remove the lock and seal, so as to enable the petitioner to remove the belongings.

2.We heard the learned counsel for the petitioner, the learned Additional Government Pleader for the first respondent and the learned counsel for second respondent.



3.The premises owned by the petitioner was taken possession by the Bank under the SARFAESI Act. The petitioner made a request to permit him to open the place for the purpose of removing his belongings. The Bank would not have any serious objection for the same.

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4.We direct the Bank to inform the petitioner, the date on which the premises would be opened for removal of belongings. The notice should indicate the time also. In case, notice is received, the petitioner must be personally present for taking his belongings. Thereafter, the property would be sealed by the Bank. This order would not stand in the way of the petitioner from approaching the Bank for settlement. The Bank must ensure that the petitioner is permitted to remove the belongings, within a period of one week from today.

5.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Authorized Officer,
Tamilnad Mercantile Bank,
Sankarankovil Branch,
Tirunelveli District.

+1cc to Mr.R.PON KARTHIKEYAN,Advocate,SR. 76915

+1cc to M/S.Special Government Pleader,SR.77665

W.P. (MD)No.16809 of 2017
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SSS/AM

KK/JC /SAR 3/18.09.2017/ 2P- 5C