



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P (MD) No.9056 of 2017
and
WMP (MD) Nos.6914 and 6915 of 2017

Abupakkar Sithik

.... Petitioner

vs.

1) The District Collector,
District Collectorate Office,
Dindigul,
Dindigul District.

2) The Authorised Officer,
Tamil Nadu Mercantile Bank Ltd., (for Dindigul Branch)
No.9, Salai Road,
Dindigul.

3) Syed Abbas

.... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned physical possession notice issued by the 2nd respondent dated 10.04.2017 and quash the same as illegal and consequently directing the 2nd respondent to follow due process of law and issue notice and sufficient time to the petitioner (tenant) to vacate the premises that were taken physical possession by the 2nd respondent on 10.04.2017 based on the order of the 1st respondent.

For Petitioner : Mr.Aarumugam

For R1 : Mr.T.R.Janarthanam
Additional Government Pleader

For R2 : Mr.Pala Ramasamy

**ORDER**

(Order of the Court was made by M.V.MURALIDARAN, J.)

Even though the petitioner has sought for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 10.04.2017 passed by the 2nd respondent under the SARFAESI Act, to take physical possession of the premises of which the petitioner claims to be the tenant, and quash the same as illegal and to direct the 2nd respondent to follow due process of law and issue notice and sufficient time to him to vacate the premises, when the writ petition was taken up for hearing, learned counsel for the petitioner submitted that it is suffice if a direction is issued to the 2nd respondent to permit the petitioner to remove his articles and belongings from the premises in question within a time frame to be fixed by this Court.

2.In view of the above submission, without going into the merits of the case, the 2nd respondent is directed to permit the petitioner to remove his articles and belongings from the premises in question within a period of four weeks from today.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
District Collector Office,
Dindigul, Dindigul District.

+ 1 CC TO Mr.PALA RAMASAMY, ADVOCATE IN SR No. 56644
+ 2 CC TO Mr.AARUMUGAM, ADVOCATE IN SR No. 22021

NBI
TE/MR/SAR-III : 18/05/2017 : 2P/5C

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