

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.31604 OF 2017

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Sri D. Ravishanker Rao, Learned Counsel for the petitioners, states that a notice dated 07.09.2017 was affixed, on the doors of the petitioners dwelling units on 08.09.2017, calling upon them to vacate the premises within one week; and as the one week period had expired on 15.09.2017, the officials had again come to the petitioners' residence today, and asked them to vacate. Learned Counsel would submit that the petitioners undertake to voluntarily, and on their own accord, vacate the subject premises, and handover peaceful possession thereof to the respondents bank, within four weeks from today.

While these are all matters which we would not, ordinarily, examine in proceedings under Article 226 of the Constitution of India, suffice it to permit the petitioners to submit a representation to the 2nd respondent requesting him to permit them to remain in possession till 21.10.2017, enclosing therewith an affidavit of undertaking to vacate the subject premises before that day. In case such a representation, along with the affidavit of undertaking, is filed within one week from today, the second respondent shall consider the same and pass orders thereupon in accordance with law. Till orders are passed by the 2nd respondent, or till 21.10.2017, whichever is earlier, the respondents shall not forcibly evict the petitioners from the subject premises. It is made clear that, in case the petitioners do not file such an application within one week from today, it is open to the respondents to take action in terms of the warrant issued under Section 14 of the SARFAESI Act. It is also made clear that, if any order is passed by the 2nd respondent

on the petitioner's representation before 21.10.2017, it is open to the respondents, thereafter, to take action in accordance with law. Even if no orders are passed by the 2nd respondent on their representation, the petitioners herein shall, in terms of the undertaking now furnished to this Court by their Counsel Sri D. Ravishanker Rao, voluntarily vacate the subject premises by 21.10.2017 after handing over peaceful possession thereof to the 2nd respondent.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

M. GANGA RAO, J

Date: 22.09.2017.
MRKR

