

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.3.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Review Application Nos.54 & 55 of 2018

R.Jayaraj

.. Applicant in
both Rev.As.

Vs.

Pon Baskaran

Punjab & Sind Bank
Asset Recovery Management Branch
rep. by its Authorised Officer Tara Chand
No.770-A, Spencer Tower
Anna Salai
Chennai 600 002.

M/s. Visesh Leather Garments
Proprietor K.Narayanan
No.132/127-1
Vepery High Road
Periamet
Chennai 600 003.

Nirmala Kumari

K.Radhakrishnan

The Chief Judicial Magistrate
Thiruvallur.

.. Respondents in
Rev.P.No.54/18

S.D.Rajan

Yasodha

D.Pachaiyappan

V.Antony Miller

P.Thangaraj

E.Somasundaram

K.Chitra

Bhavana Rathi

Suresh Kumar Rathi

K.Balaji

Punjab & Sind Bank
Asset Recovery Management Branch
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Respondents in
Rev.P.No.55/18



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Applications under Order XLVII, Rule 1, CPC read with Section 114 of CPC, to review the common order dated 23.6.2016 made in W.P.Nos.25892 and 25817 of 2012.

For Applicant in : Mr.Balasubramanian
both Rev.As. For Mr.S.Ranjith Kumar

For Respondents 1, 3 to 5
in Rev.A.No.54/18 &
For Respondents 1 to 10
in Rev.A.No.55/18 : Mr.M.Ravi

ORDER

(Made by Huluvadi G.Ramesh,J)

The above applications have been filed to review the common order dated 23.6.2016 made in W.P.Nos.25892 and 25817 of 2012.

2. This Court, taking note of the fact that the issue involved is with respect to possession of the property and that the District Collector is the appropriate authority to decide the said issue and not the Chief Judicial Magistrate, disposed of the writ petitions directing the respondent Bank to approach the District Collector or the Debts Recovery Tribunal as the case may be and to maintain status quo till then.

3. The order of status quo was granted by this Court only to protect the interest of the auction purchaser and not to protect any other person squatting on the property, thereby committing trespass.

HULUVADI G.RAMESH,J,
and
M.V.MURALIDARAN,J.

kpl

4. It is submitted by the learned counsel for the review applicant that the possession of the property in question has been taken forcibly.

5. In view of the above submission, we direct the applicant to lodge a complaint and on such complaint being lodged, the Police concerned shall take necessary action to evict those persons who are squatting on the property in question, in order to protect the interest of the applicant/auction purchaser.

The review applications are disposed of accordingly. There shall be no order as to costs. Consequently, WMP Nos.9410 & 9411 of 2018 are closed.

(H.G.R.J.) (M.V.M.J.)
27.3.2018

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