

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/6/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.13105 of 2018

D.Sunder Singh Bhagyanathan ...Petitioner

Vs

1. The District Magistrate and District Collector
Kancheepuram.
2. The Tahsildar
Tambaram.
3. The Authorised Officer
City Union Bank Ltd
Administrative Office
No.24 B Gandhi Nagar
Kumbakonam 612 001.
4. The Asst General Manager
City Union Bank Ltd
No.24/38 Rajaji Salai
(Opp. to P.F.Office)
Tambaram (West)
Chennai 600 045.
5. D.Ranjit Singh Madhuranayagam
6. R.Nisha Shanthini
7. K. Babu.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorari to call for the records relating to the first respondent's order vide R.C.M3/6386/2018 dated 8/5/2018 and quash the same.

For petitioner ... Ms.D.Anitha
for Ms.R.Nirmala Devi
Mr.N.Manikandan
Government Advocate
for R.R.1 and 2.
Mrs.S.Anuradha Balaji
for R.R.3 and 4.

O R D E R
(Order of the Court was made by S.MANIKUMAR, J)

District Collector-cum-District Munsif, Kancheepuram, has passed orders, in RC.M3/6386/2018, dated 8/5/2018, directing the Tahsildar, Tambaram, to take possession of the secured assets. Assistant Commissioner of Police, Tambaram, has been requested to render necessary assistance, if required. Being aggrieved, guarantor has filed the instant writ petition, to quash the same.

2. On 30/5/2018, a Hon'ble Division Bench of this Court has passed the following order:-

"The learned counsel for the petitioner submitted that his application before the DRAT is pending and posted to 20/6/2018. Meanwhile, the first respondent/Collector has passed the possession notice and since the DRAT is not sitting till 8/6/2018, he is unable to move the DRAT and hence, prayed for an interim order.

2. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice on behalf of the respondents.

3. After perusing the records and hearing the learned counsel for the petitioner, there shall be an order of status-quo till 14/6/2018 and it is open to the petitioner to move appropriate application for the appropriate prayer/relief before the DRAT on the opening date. The first respondent is hereby directed to maintain the order of status-quo till 14/6/2018.

4. Post on 14/6/2018."

3. On this day, when the matter came up for further hearing, Ms.D.Anitha, learned counsel for the petitioner submitted that SARFAESI Application, under Section 17 (1) of the Act, 2002, is yet to be filed.

4. In view of the submission made, Writ Petition is dismissed. Liberty is granted to move the appropriate forum. However, this Court is not inclined to extend the order of status-quo. Hence the same is vacated. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

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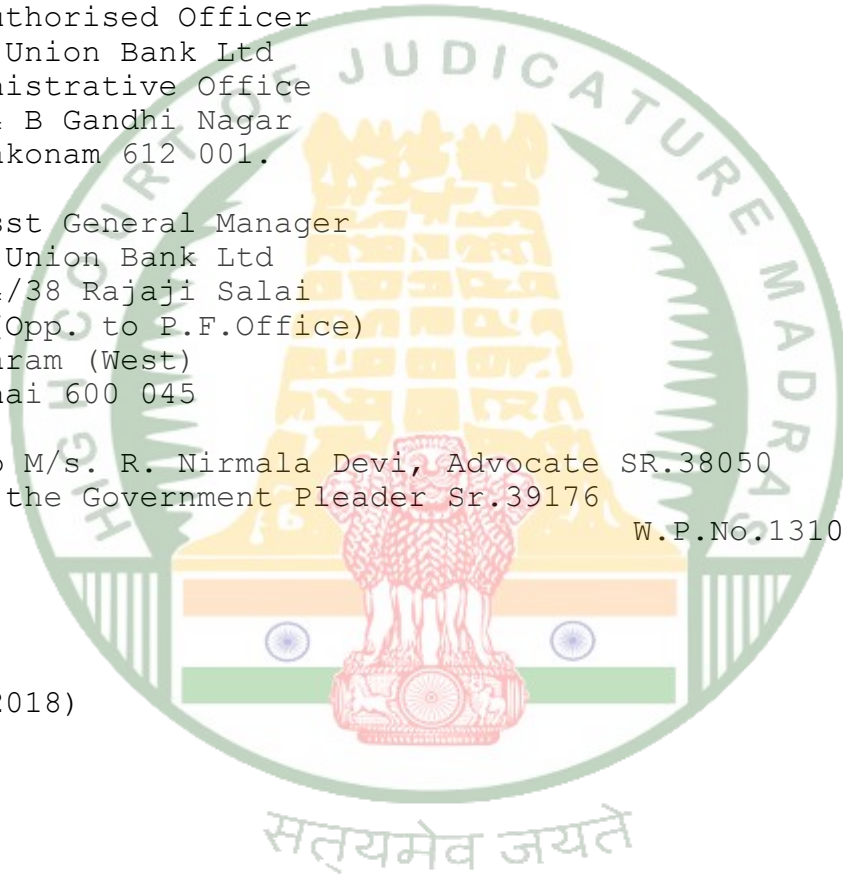
mvs.
To

1. The District Magistrate and
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2. The Tahsildar
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+ 2 ccs to M/s. R. Nirmala Devi, Advocate SR.38050
+ 1 cc to the Government Pleader Sr.39176

W.P.No.13105 of 2018

(CS-II)
EU(28/06/2018)



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