

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.25249 of 2018

P.Rajendran

... Petitioner

-vs-

1.The Authorised Officer,
Central Bank of India,
Thallakulam Branch,
Madurai - 625 002.

2.The Chief Metropolitan Magistrate,
Allikulam, Chennai-3.

3.M/s.Goodwill Team Papers Limited,
rep. by its Managing Director,
Team Garden, Uthappanaickanur,
Usilampatti-626 537,
Madurai District.

4.Krishnakumar

5.B.Jeyaraman

6.K.Banumathi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to Order dated 31.7.2018 passed by the DRT-I, Chennai in S.A.No.41/2018 and quash the same as illegal, arbitrary and consequently grant further time for vacating the property bearing Flat No.3, 1st Floor, having a

plinth area of 1640 sq. ft. situated at Plot No.524, "O" Old No.65, New Door No.3, "L"-Block, 24th Street, Ayanavaram, Chennai.

For Petitioner : Mr.G.Senthil Kumar

For Respondent : Mr.M.L.Ganesh
for 1st respondent

ORDER

(Order of the Court made by M.Duraiswamy, J.)

The petitioner has filed above writ petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 31.07.2018 passed by the Debts Recovery Tribunal-I, Chennai in S.A.No.41 of 2018 and quash the same and consequently, grant further time for vacating the property bearing Flat No.3, 1st Floor, having a plinth area of 1640 square feet, situated at Plot No.524 "O" Old No.65, New Door No.3, "L" - Block, 24th street, Ayanavaram, Chennai.

2. When the matter is taken for hearing, the learned counsel for the petitioner submitted that instead of going into the merits of the impugned order dated 31.7.2018, it would suffice to grant time till 25th October, 2018 to the petitioner for vacating the premises. The learned counsel for the petitioner also submitted that to that effect, the petitioner is willing to file an affidavit of undertaking before this Court.

3. Learned counsel for the 1st respondent Bank has no objection for granting time till 25th October, 2018 to the petitioner for vacating and handing over vacant possession of the premises.

4. Recording the submission made by the learned counsel for the petitioner, without going into the merits of the impugned order dated 31.07.2018, we grant time till 25th October, 2018 to the petitioner for vacating and handing over vacant possession of the premises to the 1st respondent Bank without driving them to initiate further proceedings for taking possession of the property. The petitioner is permitted to file an affidavit of undertaking before the Registry of this Court on 16.10.2018, which shall form part of the record.

5. With these observations, the writ petition is disposed

of. No costs. Consequently, W.M.P.Nos.29359 and 29360 of 2018 are closed.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

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To

- 1.The Authorised Officer,
Central Bank of India,
Thallakulam Branch,
Madurai - 625 002.
 - 2.The Chief Metropolitan Magistrate,
Allikulam, Chennai-3.
 3. The Debts Recovery Tribunal-I, Chennai.
 4. The Section Officer, Writ Section, High Court, Madras.
- +1cc to Mr.M.L.Ganesh, Advocate SR.No.71309
- +1cc to Mr.G.Senthilkumar, Advocate SR.No.71268

W.P.No.25249 of 2018

GMV (15/10/2018)

सत्यमेव जयते

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