

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.10007 of 2019

Central Bank of India
Asset Recovery Branch
48/49 Ground Floor
Montieth Road, Egmore
Chennai 600 008.

... Petitioner

v.

1 The Chief Metropolitan Magistrate
Egmore , Chennai -8.

2 M/s.Emayam Enterprises
Rep. by its Proprietor R.Veeramani
No.48/73, Arya Gowda Road
West Mambalam, Chennai 600 033.

3 Mr.R.Veeramani

4 M/s.Emayam Aqua Products
Rep. by its Proprietor Mrs.V.Meenadevi
No. 221/6 - A3, Erumapatti Village
Tirupathur Taluk, Sivaganagi District-630211.

5 M.Meenadevi

6 Mr.Bharathi

Advocate Commissioner
Egmore Bar Associate
Chennai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to change the 6th respondent as Advocate Commissioner and consequently to appoint new Advocate Commissioner for executing the order dated 22.07.2016 passed in CrI.MP.No.6962 of 2016.

For Petitioner : Mr.Ganesh M.L.

For Respondents: Mr.S.Kamalesh Kannan

Government Advocate - for R1

O R D E R
(Order of the Court made by M.DURAI SWAMY, J.)

The secured creditor-Bank has filed the above Writ Petition to issue a Writ of Mandamus to direct the 1st respondent to change the 6th respondent as Advocate Commissioner and consequently to appoint new Advocate Commissioner for executing the order dated 22.07.2016 passed in Crl.MP.No.6962 of 2016.

2. It is the case of the petitioner that in spite of the petition being filed by the petitioner as early as in the year 2016 and an Advocate Commissioner being appointed on 22.07.2016 to take possession of the secured asset, the Advocate Commissioner has not executed the warrant of commission so far.

3. Mr.S.Kamalesh Kannan, learned Government Advocate, taking notice for the 1st respondent submitted that the 1st respondent may be directed to take possession of the property. within a period of six weeks.

4. In view of the submission made by the learned counsel on either side, we direct the 1st respondent to take steps to direct the Advocate Commissioner to execute the warrant of commission issued to him within a period of six weeks from the date of receipt of a copy of this order. The 1st respondent is directed to give suitable direction to the Advocate Commissioner for executing the warrant of commission, if no stay is granted in respect of the said order by the appropriate forum.

With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

Rj
To

The Chief Metropolitan Magistrate
Egmore , Chennai -8.

+1cc to Mr.M.L.Ganesh, Advocate, S.R.No. 33916
+1cc to the Government Pleader, S.R.No. 34333

W.P. No.10007 of 2019

RSI (CO)
GN(06/05/2019)