



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.20975 of 2019

M.Mohammed Saleem Mattara

.. Petitioner

Vs.

1.The Karur Vysya Bank,
rep by its Authorized Officer,
KVB Towers, 1st Floor,
568, Anna Salai, Teynampet,
Chennai - 600 018.

2.The District Collector,
Collector Officer, Tiruvallur District.

3.The Tahsildar,
Tahsildar Office, Poonamallee.

4.The Superintendent of Police,
Police Office, Tiruvallur District.

5.A.Shakeela Banu

6.M.Shemem Sultana

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus forbearing the 1st respondent from disturbing the petitioner's physical possession bearing at Taj Restaurant, No.2-105, Mount Poonamallee High Road, Kattupakkam, Chennai - 600 056 until recover lease agreement amount from the shop owner and consider the petitioner's representation to the 2nd respondent dated 22.04.2019.

For Petitioner : Mr.D.Parivendhan



O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAISWAMY, J.)

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The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus forbearing the 1st respondent from disturbing the petitioner's physical possession in respect of Taj Restaurant, No.2-105, Mount Poonamallee High Road, Kattupakkam, Chennai, until the petitioner recovers the lease agreement amount from the shop owner and consider the petitioner's representation to the 2nd respondent dated 22.04.2019.

2.It is the case of the petitioner that he is a lessee under the borrower and therefore, the 1st respondent - Bank should not take possession of the property till he recovers the advance amount paid to the mortgagor. The 1st respondent - Bank initiated SARFAESI proceedings against the mortgagor and also brought the property for e-auction on 27.06.2019.

3.From the prayer sought for in the Writ Petition it could be seen that the dispute is only between the petitioner and his landlord and that cannot be put against the 1st respondent - Bank from realizing the outstanding amount and for taking possession of the property. If the petitioner is aggrieved over the initiation of the SARFAESI proceedings against the mortgagor, the remedy open to him is only to approach the Debts Recovery Tribunal. In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

1.The Authorized Officer,
Karur Vysya Bank,
KVB Towers, 1st Floor,
568, Anna Salai, Teynampet,
Chennai - 600 018.

2.The District Collector,
Collector Officer, Tiruvallur District.



3.The Tahsildar,
Tahsildar Office, Poonamallee.

4.The Superintendent of Police,
Police Office, Tiruvallur District.

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ssd (CO)
A.SK(13/08/2019)