

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 4.11.2019

CORAM

THE HONOURABLE Dr.JUSTICE VINEET KOTHARI ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.28986 of 2019
and
W.M.P.No.28748 of 2019

M/s.Metro Clothing Company,
rep. by its Partner L.Mahendran
having office at 1/894-A,
First Floor, Mookambigai Nagar,
Pazhavanjipalayam,
Dharapuram Road, Tirupur 641 608. Petitioner

Versus

1. The District Collector,
O/o. The District Collector,
Tirupur District.
2. R.Annadurai
3. The Authorized Officer,
Tamilnadu Mercantile Bank Ltd.,
Ammapalayam Branch, Tiruppur. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing Respondents 1 and 3, their men, agents, servants or any other person acting through them from in any manner dispossessing the petitioner firm from the Leased property at building door No.1/894-A, First Floor Mookambigai Nagar, Pazhavanjipalayam, behind Bharath Gas Goddown, Dharapuram Road, Tirupur 641 608 without hearing and considering the objection of tenancy in the light of the judgment in VISHAL N.KALSARIYA v. BANK OF INDIA AND OTHERS reported in CDJ 2016 SC 048.

For Petitioner : Mr.R.Selvakumar

For R1 : Mr.Kamalesh Kannan, Govt. Advocate

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, ACJ.)

Learned counsel for the Petitioner, Mr.R.Selvakumar submits that even the Tenants in the property in question has remedy by way of Application under Section 17 (4)A of the SARFAESI Act against the proceedings initiated under Section 13(4) of the Act and a Writ Petition has been disposed of by this Court vide W.P.No.29450 of 2019 (B.Mohan alias Mohanasundaram v. The District Collector and others, dated 16.10.2019). He further submitted that by a typographical error the remedy for the Petitioner therein has been stated in the order as DRAT instead as DRT.

2. The mistake appears to be a bona fide typing error and therefore, the present Writ Petition is disposed of in the same terms with a clarification that the present Writ Petitioner will avail its remedy before the DRT in accordance with law. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ssk.

To:

1. The District Collector,
O/o. The District Collector,
Tirupur District.
2. The Authorized Officer,
Tamilnadu Mercantile Bank Ltd.,
Ammapalayam Branch, Tiruppur.

+1 cc to the Government Pleader sr91804
+1 cc to Mr.R.Selvakumar Advocate sr91420

W.P.No.28986 of 2019

aa09/12/2019