

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.31363 of 2018

and W.M.P.Nos.36546 to 36548 of 2018

1.V.Amarnath
2.Vignesh Kumar
3.G.Suresh Kumar
4.Meena
5.P.Saravana Babu

... Petitioners

Vs.

1.The Chief Metropolitan Magistrate Court,
Allikulam, Egmore, Chennai - 600 003.

2.M/s.Bajaj Finance Limited,
rep by its Authorized Officer Vijayakumar,
8th Floor, Delta Wing, Raheja Towers,
No.177, Anna Salai, Chennai - 2.

3.Bharati Jithen Shah

4.M.Senthil Kumar

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus calling for the records of the 1st respondent in proceedings and order in CrI.M.P.No.3135 of 2018 dated 13.07.2018 and consequent warrant dated 06.08.2018 and quash the same and direct the respondents not to disturb or interfere with the leased premises of the petitioners at No.28/11, Raja Street, Gandhi Road, Velacherry, Chennai - 600 042 except in compliance of due process of law.

For Petitioners : Ms.P.Poornima

For Respondents : R2 & R4 - No appearance
R3 - not ready in notice.

O R D E R

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

The petitioners have filed the Writ Petitions to issue a Writ of certiorarified mandamus to call for the records pertaining to order dated 13.07.2018 and consequent warrant dated 06.08.2018 and to quash the same and to direct the respondents not to disturb or interfere with the leased premises of the petitioners.

2.The 1st respondent has passed the impugned order dated 13.07.2018 and the consequent warrant dated 06.08.2018 under Section 14 of the SARFAESI Act. Challenging the said proceedings, the petitioners have filed the above Writ Petition.

3.When the Writ Petition came up for admission on 28.11.2018, the learned counsel appearing for the petitioners submitted that the petitioners are willing to vacate the premises in twelve (12) weeks time. However, we made it clear that we are not inclined to grant the said time and we granted only four weeks time to the petitioners to vacate and hand over vacant possession to the respondents. Recording the same, we have posted the Writ Petition on 03.01.2019 for reporting compliance.

4.When the matter was listed for hearing on 03.01.2019, on the request made by the learned counsel for the petitioners, we have extended the time till 20.01.2019 and posted the matter to today (i.e.) 21.01.2019 for reporting compliance.

5.When the matter is taken up for hearing today, the learned counsel for the petitioners submitted that the petitioners have not vacated the premises till today. In these circumstances, we are not inclined to extend the time to the petitioners anymore.

6.On a perusal of the order passed by the 1st respondent, we do not find any error or irregularity in the said order. The order and the warrant issued by the 1st respondent are just and proper.

7.In these circumstances, the Writ Petition is dismissed. It is open to the respondents to proceed against the petitioners for taking possession of the property in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va
To

- 1.The Chief Metropolitan Magistrate Court,
Allikulam, Egmore, Chennai - 600 003.
- 2.The Authorized Officer - Vijayakumar,
M/s.Bajaj Finance Limited,
8th Floor, Delta Wing, Raheja Towers,
No.177, Anna Salai, Chennai - 2.

+1cc to M/S.G.Vijay Anand Associates, Advocate Sr.4036

W.P.No.31363 of 2018
and W.M.P.Nos.36546 to 36548 of 2018

spd[col]
srg 05/02/2019

सत्यमेव जयते

WEB COPY