



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P(MD)Nos.13609 to 13611 OF 2019
and
W.M.P(MD)Nos.10160 to 10162 of 2019**

1.R.Vignesh : Petitioner in W.P(MD)No.13609 of 2019
2.Hitesh Kumar : Petitioner in W.P(MD)No.13610 of 2019
3.Sahayam : Petitioner in W.P(MD)No.13611 of 2019

.vs.

1.The District Collector/District Magistrate,
District Collectorate, Madurai.

2.The Tahsildar,
Madurai North Taluk, Madurai.

3.The Chief Manager,
Union Bank of India,
No.72, P.T.Rajan Road,
Opp.Kendra Vidyalaya,
Bipikulam, Madurai - 625 002.

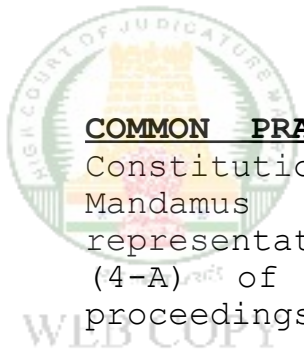
4.The Manager/Authorized Officer,
Union Bank of India,
No.72, P.T.Rajan Road,
Opp.Kendra Vidyalaya,
Bipikulam,
Madurai - 625 002.

5.K.P.S.Manoharan

6.K.P.S.Sivakumar

7.K.P.S.Muneeswaran

8.E.Muneeswaran : Respondents



COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to consider the representation of the Petitioner, dated 13.6.2019 under Section 17 (4-A) of the SARFAESI (Amended) Act, 2016 (44 of 2016) in his proceedings in ROC.No.C6/33650/2018, dated 30.05.2019.

For Petitioner : Mr.T.Lajapathi Roy
in all W.Ps' for Mr.A.Balaji

For Respondents : Mr.N.Shanmugaselvam
1 and 2 in all W.Ps' Addl.Govt.Pleader

For Respondents : Mr.VS.Karthi
3 and 4 in all W.Ps'

For Respondents : No appearance
5 to 8 in all W.Ps'

COMMON ORDER

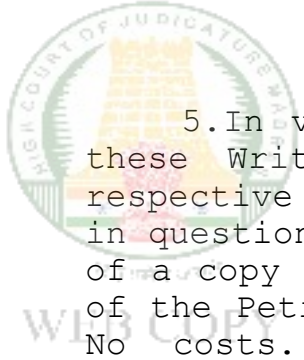
[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY., J.**]

These three Writ Petitions are filed for a mandamus directing the first respondent to consider the representation of the Petitioners, dated 13.6.2019 under Section 17(4-A) of the SARFAESI (Amended) Act, 2016 (44 of 2016) in his proceedings in ROC.No.C6/33650/2018, dated 30.05.2019.

2. Heard the learned counsel appearing for the Petitioners and the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4.

3. The Petitioner in each of the Writ Petitions is a tenant in the premises of the respondents 5 to 8, who are the borrowers from the Union Bank of India. In view of the non-payment of the loan facility availed from the said Union Bank of India, it appears that proceedings were initiated under the SARFAESI Act, 2002 and that the order, dated 30.5.2019 was issued by the first respondent under Section 14 of the SARFAESI Act, 2002 directing that the possession of the scheduled asset be handed over.

4. The learned counsel for the Petitioner in each of these Writ Petitions submitted that they are willing to vacate the premises and hand-over the possession in accordance with the order, dated 30.5.2019, if they are given four months time to vacate the premises. It was further submitted that rent for the four months would be paid to the default account of the borrowers in the bank. An affidavit dated 14.6.2019 has been filed by the Petitioner in each of these Writ Petitions.



5. In view of the undertaking given in the form of Affidavits, these Writ Petitions are disposed of with a direction to the respective Petitioners to hand-over the possession of the property in question, within a period of four months from the date of receipt of a copy of this order. The undertaking affidavits given by each of the Petitioners shall form part and parcel of this common order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS-)

**Encl: Xerox copy of undertaking Affidavits
filed by the Petitioners**

vsn

To

1. The District Collector/District Magistrate,
District Collectorate, Madurai.

2. The Tahsildar,
Madurai North Taluk, Madurai.

3. The Chief Manager,
Union Bank of India,
No.72, P.T.Rajan Road,
Opp.Kendra Vidyalaya,
Bipikulam, Madurai - 625 002.

4. The Manager/Authorized Officer,
Union Bank of India,
No.72, P.T.Rajan Road,
Opp.Kendra Vidyalaya,
Bipikulam, Madurai - 625 002.

+1 CC to M/s.VS.KARTHI, Advocate (SR-71960[F] dated 27/06/2019)

+3 CC to M/s.A.BALAJI, Advocate
(SR-71894, 71895, 71896[F] dated 27/06/2019)

COMMON ORDER MADE IN
W.P(MD) NOs.13609 to 13611 OF 2019 and
W.M.P(MD) Nos.10160 to 10162 of 2019
27.06.2019