

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twentieth day of February Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE N. KIRUBAKARAN

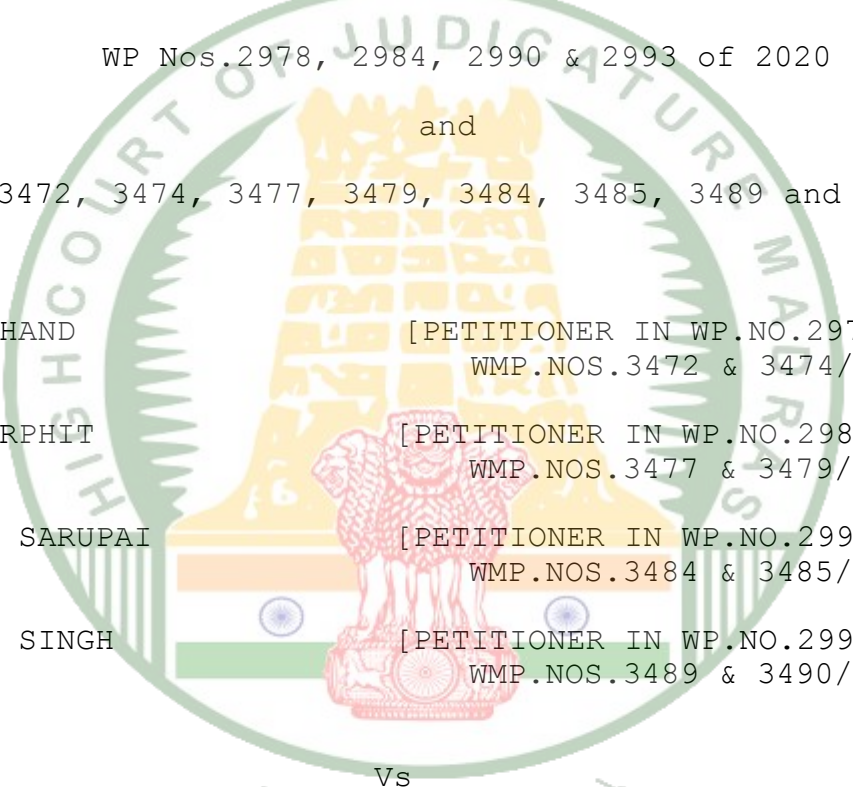
AND

THE HON`BLE MR JUSTICE P. VELMURUGAN

WP Nos.2978, 2984, 2990 & 2993 of 2020

and

WMP.Nos. 3472, 3474, 3477, 3479, 3484, 3485, 3489 and 3490 of 2020

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- 1 RAMESH CHAND [PETITIONER IN WP.NO.2978/2020 & WMP.NOS.3472 & 3474/2020]
- 2 ASHOK PURPHIT [PETITIONER IN WP.NO.2984/2020 & WMP.NOS.3477 & 3479/2020]
- 3 MANGILAI SARUPAI [PETITIONER IN WP.NO.2990/2020 & WMP.NOS.3484 & 3485/2020]
- 4 NARENDRA SINGH [PETITIONER IN WP.NO.2993/2020 & WMP.NOS.3489 & 3490/2020]

Vs

1 KOTAK MAHINDRA BANK [RESPONDENTS IN ALL THE PETITIONS]
REP. BY ITS AUTHORISED OFFICER,
MR. SRINIVAS PONDURI NO. 3, GROUND FLOOR,
RATHINAPURI LAYOUT, JAWAHARLAL NEHRU ROAD,
100 FEET ROAD, KOYAMBEDU, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI 600 008

3 ESJAYPEE IMPEX PRIVATE LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
MR. MAHENDRA KUMAR, NO. 186, GOVINDAPPA NAICKEN STREET,
CHENNAI 600 001

4 PATTUBHAI PHUKARAJ
NO. 47/A, RAINBOW RAKHI APARTMENTS BARNABY ROAD,
KILPAUK, CHENNAI 600 010

5 MAHENDRA PARMAR
NO. 23, RAJARATHINAM STREET KILPAUK,
CHENNAI 600 010

6 MANISH PARMAR
NO. 47/A, RAINBOW RAKHI APARTMENTS,
BARNABY ROAD, KILPAUK, CHENNAI 600 010

7 MADHUBALA PARMAR
NO. 23, RAJARATHINAM STREET, KILPAUK,
CHENNAI 600 010

8 KALASURENDARA JAM
NO. 1825, PASEO DEL SOL, PALOS VERDES ESTATE,
CA 90274, USA

9 INDHU MAHENDRASINGHI
NO. 203, APSARA BUILDING B WING SECTOR 17,
VASHI, NAVI, MUMBAI

10 THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
C-5, KOTHAVALCHAVADI POLICE STATION,
THATHAMUTHIYAPPAN STREET,
CHENNAI 600 108

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus or any other writ,

(1) Calling for the records of the 2nd respondent herein in Crl. M.P.No. 3646 of 2019, dated 12.11.2019 and quash the same and consequently that this Honble Court was pleased to take the penal action against the first respondent in WP.No.2978/2020 and ;

(2) Calling for the records of the 2nd respondent herein in Crl. M.P.No. 3646 of 2019, dated 12.11.2019 and quash the same and consequently that this Honble Court was pleased to take the penal action against the first respondent in WP.No.2984/2020 and

(3) Calling for the records of the 2nd respondent herein in Crl. M.P.No. 3646 of 2019, dated 12.11.2019 and quash the same and consequently that this Honble Court was pleased to take the penal action against the first respondent in WP.No.2990/2020 and

(4) Calling for the records of the 2nd respondent herein in Crl. M.P.No. 3646 of 2019, dated 12.11.2019 and quash the same and consequently that this Honble Court was pleased to take the penal action against the first respondent in WP.No.2993/2020 and

(5) To Interim Injunction restraining the first respondent, their men, agents from interfering with the physical possession of the petitioner and from in any manner evicting the petitioner from

the shop No. GL4 Ground floor front side situated in Old No. 167, and New No. 156 Govindappa Naicken street, Chennai 600 001 without due process of law and (in WMP.No.3472/2020) pending disposal of the above WP.No.2978/2020 and ;

(6) To Interim Direction or direction or to direct the 1st respondent bank to remove the illegal lock in the petitioners shop situated in shop No. GL4 situated in Old No. 167 and New No. 156, Govindappa Naicken Street, Chennai 600 001 and (in WMP.No.3474/2020) pending disposal of the above WP.No.2978/2020 and ;

(7) To Interim Injunction restraining the first respondent, their men, agents from interfering with the physical possession of the petitioner and from in any manner evicting the petitioner from the shop No. GL4 Ground floor front side situated in Old No. 167, and New No. 156 Govindappa Naicken street, Chennai 600 001 without due process of law and (in WMP.No.3477/2020) pending disposal of the above WP.No.2984/2020 and ;

(8) To Interim Direction or direction or to direct the 1st respondent bank to remove the illegal lock in the petitioners shop situated in shop No. GL4 situated in Old No. 167 and New No. 156, Govindappa Naicken Street, Chennai 600 001 and (in WMP.No.3479/2020) pending disposal of the above WP.No.2984/2020 and ;

(9) To Interim Injunction restraining the first respondent, their men, agents from interfering with the physical possession of the petitioner and from in any manner evicting the petitioner from the shop No. GL4 Ground floor front side situated in Old No. 167, and New No. 156 Govindappa Naicken street, Chennai 600 001 without due process of law and (in WMP.No.3484/2020) pending disposal of the above WP.No.2990/2020 and ;

(10) To Interim Direction or direction or to direct the 1st respondent bank to remove the illegal lock in the petitioners shop situated in shop No. GL4 situated in Old No. 167 and New No. 156, Govindappa Naicken Street, Chennai 600 001 and (in WMP.No.3485/2020) pending disposal of the above WP.No.2990/2020 and ;

(11) To Interim Injunction restraining the first respondent, their men, agents from interfering with the physical possession of the petitioner and from in any manner evicting the petitioner from the shop No. GL4 Ground floor front side situated in Old No. 167, and New No. 156 Govindappa Naicken street, Chennai 600 001 without due process of law and (in WMP.No.3489/2020) pending disposal of the above WP.No.2993/2020 and ;

(12) To Interim Direction or direction or to direct the 1st respondent bank to remove the illegal lock in the petitioners shop situated in shop No. GL4 situated in Old No. 167 and New No. 156, Govindappa Naicken Street, Chennai 600 001 and (in WMP.No.3490/2020) pending disposal of the above WP.No.2993/2020 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.RAJENDRA PRASAD, Advocate for the petitioner in all the petitions and of MR.J. SENTHILKUMAR, Advocate for 1st Respondents in all the petitions the court made the following order:-

(Order of the Court was made by N.Kirubakaran, J)

This matter has been brought before this Court by way of being mentioned by the learned counsel appearing on behalf of the petitioner stating that another Division Bench of this Court in W.P.No.1764 of 2020 dated 12.02.2020 has permitted the petitioner therein to remove the articles stored in the premises in question. Following the same, he seeks five days time to remove the articles.

2.Heard the parties and perused the order dated 12.02.2020 passed in W.P.No.1764 of 2020.

3.From the above referred order, it is clear that another Division Bench of this Court in W.P.No.1764 of 2020 dated 12.02.2020 has granted five days time to the petitioner therein to remove the articles stored in the premises in question. Therefore, five days time from tomorrow (21.02.2020) is granted to the petitioner herein to remove the articles stored in the premises in question. However, it is made clear that under the garb of removing the articles, the petitioner shall not create any nuisance or other problems and it is also open to the 1st respondent/Bank to depute an official to oversee the same and they are also at liberty to take photographs and videograph.

4.Call the matter on 26.02.2020.

-sd/-

20/02/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE AUTHORISED OFFICER,
KOTAK MAHINDRA BANK
MR. SRINIVAS PONDURI NO. 3, GROUND FLOOR,
RATHINAPURI LAYOUT, JAWAHARLAL NEHRU ROAD,
100 FEET ROAD, KOYAMBEDU, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI 600 008

3 THE INSPECTOR OF POLICE,
C-5, KOTHAVALCHAVADI POLICE STATION,
THATHAMUTHIYAPPAN STREET,
CHENNAI 600 108

C.C. to M/S.K.RAJENDRA PRASAD Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order

WP Nos.2978, 2984, 2990 & 2993 of 2020

and

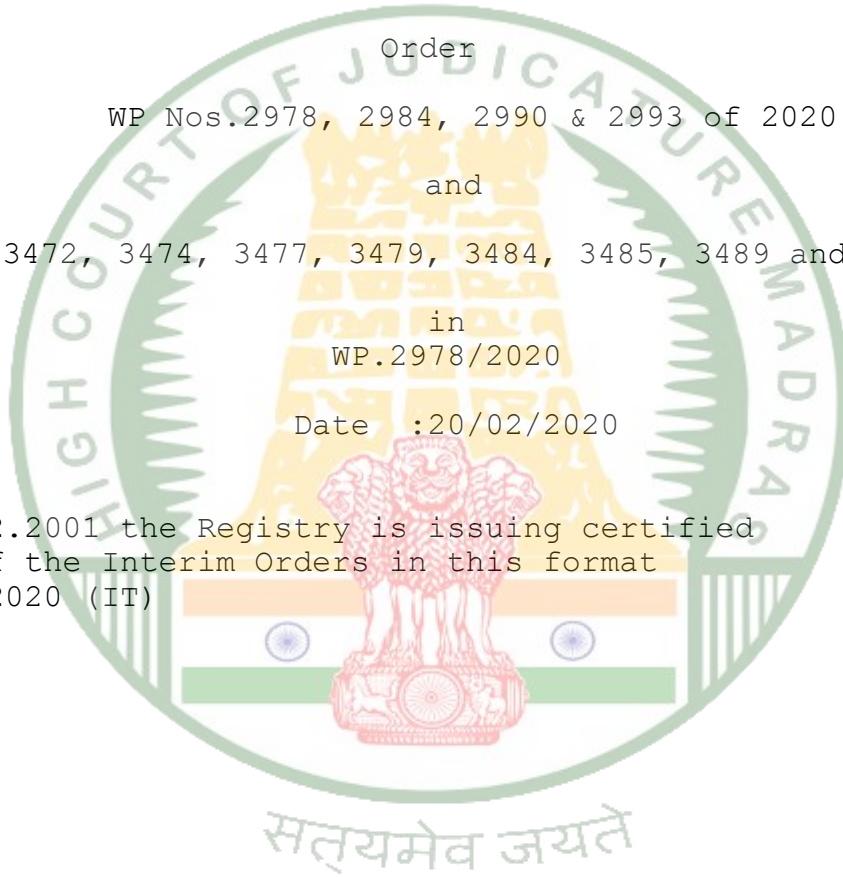
WMP.Nos. 3472, 3474, 3477, 3479, 3484, 3485, 3489 and 3490 of 2020

in

WP.2978/2020

Date :20/02/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SM/20/02/2020 (IT)



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