

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.4184 of 2020

P.Sharavanan

... Petitioner

Vs

- 1.The Authorised Officer,
Debts Recovery Tribunal - II,
Spencer Plaza,
Anna Salai,
Chennai - 600 002.
- 2.Indian Overseas Bank,
Hi-Tech Agro Branch
Now Rep. by Asset Recovery Management Branch,
763, Anna Salai,
Chennai - 600 002.
- 3.The Authorised Officer,
Indian Overseas Bank,
Asset Recovery Management Branch,
Canteen Block, First Floor,
Central Office Buildings,
763, Anna Salai,
Chennai - 600 002.
- 4.E.Amudhan Baskar(Landlord)
- 5.A.B.Jayanthi (Landlord)

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order passed by the second respondent in Ref IOB/ARMB/CHE 2019-20 dated 14.02.2020 and quash the same, in so far it demands rent proceeds from November 2018 to December 2019 permitting the petitioner to remit the rent from February, May and April 2020 and allowing to continue the petitioner for 3 months in the premises.

For Petitioner : Mr.C.Selvaraj, Sr.Counsel
for M/s.C.S.Associates

For Respondents : R1 - Tribunal
: Mr.M.L.Ganesh for R2 and R3
No Appearance for R4 and R5

ORDER

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

The petitioner, claiming to be the tenant, has come forward to file this writ petition challenging the communication sent by the first respondent dated 14.02.2020.

2.Learned Senior Counsel appearing for the petitioner submits that the petitioner wants to vacate the premises within a period of three months from the date of receipt of a copy of this order and the rent is being paid by the petitioner.

3.Learned counsel appearing for respondents 2 and 3/Bank submitted that the writ petition itself is not maintainable both on law and facts. The Debts Recovery Tribunal issued recovery certificate on 17.03.2018 which was followed by an order of warrant of attachment issued by the Recovery Officer dated 25.03.2019. The attachment order also communicated to the SRO on 28.03.2019. Pursuant to the communication sent by the petitioner alone, the letter has been sent by the respondents 2 and 3/Bank on 14.02.2020. Therefore, the writ petition will have to be dismissed.

4.There are two things we are concerned with. One is with respect to handing over possession for which the first respondent cannot have any objection. Accordingly, we permit the petitioner to handover the possession to the first respondent within a period of three months from the date of receipt of a copy of this order.

5.On the question of payment, we do not wish to pass any positive order inasmuch as the petitioner himself is willing to vacate the premises in question. The order dated 14.02.2020 which is under challenge itself says that in the event of the petitioner not complying with the same, appropriate action will have to be taken in accordance with law.

6.In such view of the matter, we are only saying that the liberty is given to the first respondent to proceed in accordance with law against the petitioner, if so advised. We

further make it clear that for the period of three months, the petitioner will have to pay the admitted rent to the respondents 2 and 3/Bank.

Writ Petition stands disposed of accordingly. No Costs. Consequently, connected W.M.P.No.4944 of 2020 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssm

To

- 1.The Authorised Officer,
Debts Recovery Tribunal - II,
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Asset Recovery Management Branch,
Canteen Block, First Floor,
Central Office Buildings,
763, Anna Salai,
Chennai - 600 002.

+1cc to Mr.M.L.Ganesh, Advocate, SR.No.18814
+1cc to Mr.P.Ganesan, Advocate, SR.No.18663

AK(CO)
rli(21/05/2020)

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