

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14638 of 2020
(Heard Through VC)

1.R.Arivudai Nambi
2.R.Ganeswaramoorthy

..Petitioners

.Vs.

1.The Manager
REPCO Bank,
No.148, GST Road,
Chengalpet - 603 001.

2.The Manager,
Syndicate Bank,
Chengalpet Branch, Chengalpet.

3.R.Balamurugan

..Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to consider the representation dated 02.09.2020 of the petitioner and direct the first respondent herein to pay the rent in respect of the property of an extent of 3580 sq.ft. in the ground floor in T.S.No.502/1, Door No.48, Thimmaraja Colony Street, Chengalpet to the loan account in the 2nd respondent Bank in loan account No.6106784000034.

* * *

For Petitioner : Ms.AL.Ganthimathi

ORDER

The Writ Petition is filed seeking a mandamus to direct the first respondent to consider the representation of the petitioner dated 02.09.2020 and to pay the rent in respect of the property of an extent of 3580 sq.ft. in the ground floor in T.S.No.502/1, Door No.48, Thimmaraja Colony Street, Chengalpet to the loan account in the second respondent-Bank in loan account No.6106784000034.

2. It is stated in the affidavit filed in support of the petition that the first petitioner and his two brothers, namely Gnaneswaramoorthy/second petitioner and the third respondent are the owners of the land in T.S.No.502/1, Door No.148, Thimmaraja Colony Street, Chengalpet, by way of a registered Sale Deed dated 04.09.1998 and have also put up construction and let out the said property for rent. Subsequently, the first petitioner and his brothers obtained loan from the second respondent-Bank for development of the said property and they are also re-paying the same from out of the rent received from the property. While so, the first respondent approached the petitioner for leasing out the property of an extent of 3580 sq.ft in the ground floor, which is a commercial building. A Lease Deed dated 14.11.2003 was also entered into by the first petitioner on his behalf and on behalf of the third respondent as Power of Attorney agent with the first respondent. The first respondent has been paying the rent to the petitioner regularly till April 2020 and from May, 2020, they have not paid the rent. When the petitioners approached the first respondent, they informed that the third respondent has issued a letter stating that the Power of Attorney dated 04.08.2005 was cancelled and requested not to pay the rent to the petitioner. It is further stated that the said Power of Attorney was cancelled as early as in the year 2008, but the petitioners were not informed about the same. It is also stated that from the rents received from the first respondent, the petitioners are paying the loan to the second respondent-Bank. Immediately, the petitioners issued a notice to the first respondent through his Counsel on 13.07.2020 calling upon them to pay the monthly rent to the loan account in the second respondent- Bank. However, the first respondent has not paid the rent. In this regard, the petitioners have also submitted a representation to the first respondent on 02.09.2020 in person and also through registered post and the same has not been considered by the first respondent. Hence, the Writ Petition has been filed for the relief stated supra.

3. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the representation of the petitioner dated 02.09.2020, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the third respondent and by affording them an opportunity of personal hearing or virtual hearing or otherwise considering their written objections and after verifying the relevant documents, within a

period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

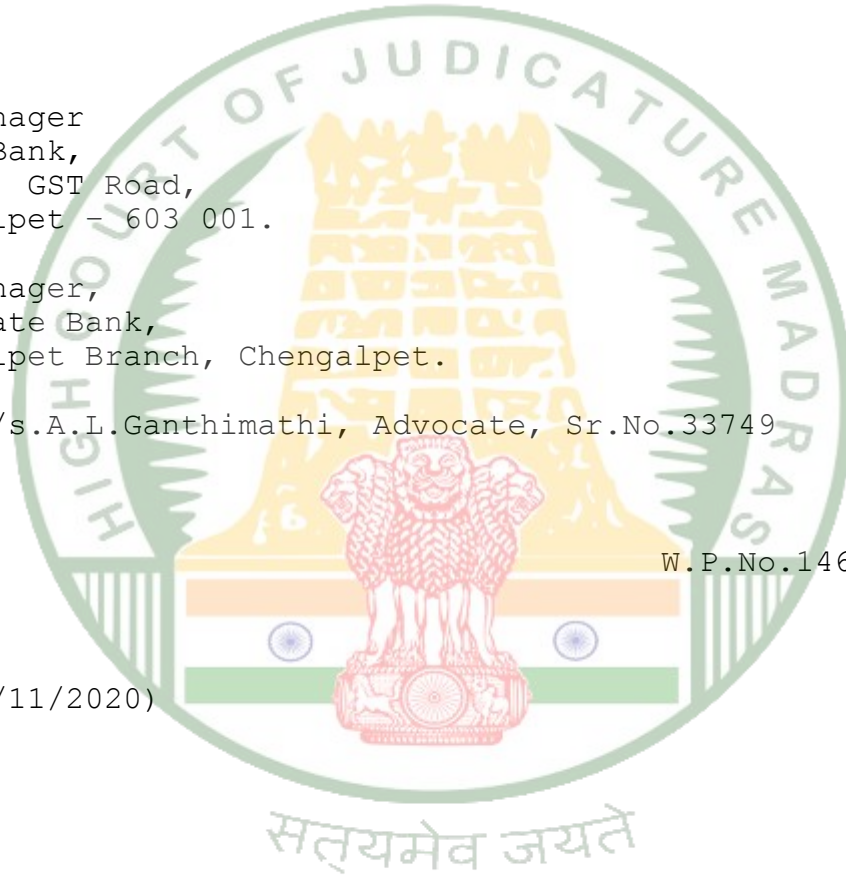
To

1. The Manager
REPCO Bank,
No.148, GST Road,
Chengalpet - 603 001.
2. The Manager,
Syndicate Bank,
Chengalpet Branch, Chengalpet.

+1cc to M/s.A.L.Ganthimathi, Advocate, Sr.No.33749

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