

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

Cont P No 1671 of 2018

S.Shreedharan

.. Petitioner

Vs.

Saravanan, Chief Manager
Authorized Officer,
M/s.Canara Bank,
ARM Branch, Circle Office,
5th Floor, Anna Salai,
Teynampet, Chennai - 18.

.. Respondent

Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent Saravanan, Chief Manager, Canara Bank, ARM Branch, Chennai for the deliberate willful disobedience and violation of the judgment and decree dated 11.04.2014 in O.S.No.5573 of 2013 on the file of this Court in XI Asst. City Civil Court, Chennai.

For Petitioner

..

Mr.B.Natarajan

For Respondent

..

Mr.R.Umasuthan

ORDER

It is the case of the petitioner that there was a tenant under one Samraj in respect of the property in door No.9, Padmananabha Street, T.Nagar, Chennai-17 and that when the said Samraj attempted to threaten his possession, the petitioner filed O.S.No. 5573 of 2013 for permanent injunction against Samraj, in which, the decree was passed by the learned XI Assistant City Civil Judge on 11.04.2014 in favour of the petitioner injunctioning Samraj or his men, agents and servants or any one claiming under him from interfering in any manner with the peaceful possession and enjoyment of the property by the petitioner.

2. While doing so, it is the grievance of the petitioner that the Chief Manager Authorized Officer of the Canara bank had taken possession of the property and thereby, had violated the decree in O.S.No. 5573 of 2013. On this premise, the present contempt petition has been filed.

3. It is seen that Samraj had taken loan from Canara Bank and had defaulted and therefore, the Canara Bank had taken steps for recovery of the amount under the SARFAESI Act and in that proceedings had taken possession of Samraj's property.

4. In view of the above, it cannot be stated that the Canara Bank had committed any contempt of the order passed by this Court, inasmuch as the

Bank had acted under a separate legislation, namely, under the SARFAESI Act. That apart, the decree also states that there shall not be any interference except by due process of law. Adopting the procedure under the SARFAESI Act would amount to due process of law. Hence this contempt petition is closed and the respondent is discharged.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Copy to,

The Chief Manager,
Authorised Officer,
M/s.Canara Bank,
ARM Branch, Circle Office,
5th Floor, Anna Salai,
Teynampet, Chennai-600 018.

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