

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Eighth day of July Two Thousand Twenty One

PRESENT

HON`BLE MR.JUSTICE SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON`BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WMP No.13957 of 2021

IN WP.6402/2020

S.BALAKRISHNAN

[PETITIONER]

Vs

1 THE DISTRICT COLLECTOR
TIRUPPUR

[RESPONDENTS]

2 THE REVENUE DIVISIONAL OFFICER,
TIRUPPUR

3 THE TAHSILDAR
PALLADAM

4 THE AUTHORIZED OFFICER
BANK OF INDIA, AVINASHI BRANCH,
3/45, WARD NO.3, SREENIVASAPURAM,
COIMBATORE MAIN ROAD,
AVINASHI, TIRUPPUR-641 654.

5 THE MANAGER
BANK OF INDIA, AVINASHI BRANCH,
3/45, WARD NO.3, SREENIVASAPURAM,
COIMBATORE MAIN ROAD,
AVINASHI, TIRUPPUR-641 654.

6 THE ZONAL MANAGER
COIMBATORE ZONE, BANK OF INDIA,
GROUND STAR HOUSE,
324, OPPANAKARA STREET,
COIMBATORE 641 001.

7 E.PRABHU,
PROP. SENTHIL MURUGAN TEX,
S/O.MR.R. EASWARAN,
AT S.F.NO.116, CHETTIPALAYAM ROAD,
CHINNIAGOUNDANPALAYAM, PALLADAM,
TIRUPPUR 641 654.

8 MR.R.EASWARAN,
S/O.RENGASAMY GOUNDER
RESIDIGN AT S.F.NO.116,
CHETTIPALAYAM ROAD, CHINNIAGOUNDANPALAYAM,
PALLADAM, TIRUPPUR 641 654.

9 C.SHANMUGASUNDARAM,
S/O. CHINIYAGOUNDER,
DOOR NO. 4, GANDHI NAGAR,
KUNIYAMUTHUR, COIMBATORE 641 008.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the time granted in WP.No. 6402/2020 IN WMP.NO.13957 OF 2021.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.R.DEEPAK, Advocate for the petitioner and of MR.P.MUTHUKUMAR, STATE GOVERNMENT ADVOCATE on behalf of the 1 TO 3 Respondents the court made the following order:-

(Made by the Hon'ble Chief Justice)

The application has been made in a petition which has been disposed of by an order dated April 15, 2021.

2. The relevant order left it open to the petitioner, the applicant herein, to approach the Debts Recovery Tribunal or to institute a civil suit, whichever was appropriate, to pursue the petitioner's grievance against the secured creditor which had conducted an auction sale at which the petitioner was the highest bidder.

3. In the 10th and final paragraph of the order, the 7th, 8th and 9th respondents to the petition were restrained from dealing with or disposing of or alienating or encumbering any part of the properties held or owned by them in a particular survey number. The order also provided that if the petitioner filed a petition or suit within eight weeks, the injunction would continue. The petitioner says that because of the lockdown that was imposed shortly after the order dated April 15, 2021 was passed, the petitioner was impeded in filing the suit or the appropriate proceedings before the Tribunal.

4. Though no copy of the application has been served on the respondents, in view of the innocuous prayer made and the lockdown having intervened in the interregnum, the injunction is continued for a period of two weeks from date. The order dated April 15, 2021 is modified to such effect. However, if the property or any part thereof has been alienated at a time when the injunction stood vacated and before it stood revived by the order passed today, the petitioner may not cite either the original order or this order to proceed against such alienation.

5. The petitioner will be obliged to immediately forward copies of this order to the respondents, particularly the respondent nos. 7, 8 and 9.

6. W.M.P.No.13957 of 2021 is disposed of without any order as to costs. W.P.No.6402 of 2020 should be recorded as having been disposed of.

-sd/-
08/07/2021

/ TRUE COPY /

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

TO

1 THE DISTRICT COLLECTOR
TIRUPPUR

2 THE REVENUE DIVISIONAL OFFICER,
TIRUPPUR

3 THE TAHSILDAR
PALLADAM

Order

in

WMP.NO.13957/2021

in

WP.NO.6402/2020

Date :08/07/2021

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