



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.18993 OF 2021
AND W.M.P.NO.20258 OF 2021

M/s.Gonglu Agro Private Limited
represented by its Authorised Signatory
Mr.S.Nirmal Kumar,
New No.AH-11, Old No.AH-216
Ground Floor, 2nd Street, 8th Main Road
Shanthi Colony, Anna Nagar
Chennai 600 040.

.. Petitioner

Vs.

1.Mr.Manmohan Singh Jain
AH-216/216, 2nd Street
8th Main Road, Shanthi Colony
Anna Nagar, Chennai - 600 040.

2.M/s.Tech India Infoway Pvt.Ltd.
Represented by its Director
Mr.Sathya Kumar, having office at 1st floor,
No.4/40, South Thirumalai Nagar
2nd Street, Villivakkam
Chennai - 600 049.

3. State Bank of India
Represented by its Authorized Officer
Stressed Assets Management Branch
Red Cross Buildings, No.32, Red Cross
Road, Egmore, Chennai 600 008.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent not to take any steps in pursuance of the Sale Certificate dated 09.06.2021 issued by the 3rd respondent in favour of the 2nd respondent till the functioning of the Debts Recovery Tribunal, Chennai.



For the Petitioner : Ms.V.Anusha

For the Respondents : Mr.B.Raghavalu Naidu
for R-3

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ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The limited prayer of the petitioner is that the petitioner should be permitted by the third respondent secured creditor to remove the petitioner's movable properties from a premises at Anna Nagar, whereat the petitioner claims that the petitioner was a tenant since 2013 under the first respondent but it has been sold by the third respondent upon the property being mortgaged by the first respondent in favour of the third respondent and the first respondent failing to discharge his repayment obligations to the third respondent.

2. The third respondent bank is represented and says that Kiran Global Chem Limited was the owner and was in possession of several floors of the building, including the floor at which the petitioner claims to have been a tenant. In course of bankruptcy proceedings pertaining to the relevant company, the resolution professional appointed by the National Company Law Tribunal was in possession of the property.

3. In the light of the above, several disputes arise which cannot be conveniently addressed in this extraordinary jurisdiction where matters are, ordinarily disposed of on affidavit evidence and on summary basis. It will be open to the writ petitioner to approach any appropriate tribunal, including a civil court, if permissible, to assert and establish the petitioner's right over any movable property that may be at the relevant premises before an order can be made for return thereof to the petitioner.

W.P.No.18993 of 2021 is disposed of. W.M.P.No.20258 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kst



To:

The Authorised Officer
State Bank of India
Stressed Assets Management Branch
Red Cross Buildings, No.32, Red Cross
Road, Egmore, Chennai 600 008.

+lcc to M/s.Aravind Subramanian, Advocate, S.R.No.45934
+lcc to M/s.M.Aravind Subramanian, Advocate, S.R.No.46210

W.P.No.18993 of 2021

SRA (CO)
PM/17/09/2021