



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.12.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

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

W.P.No.25388 of 2021

R.Chellappan

.. Petitioner

Vs

- 1 The District Magistrate and Collector
Salem.
- 2 The Revenue Divisional Officer
Office of the Revenue Divisional office
Salem.
- 3 The Authorized officer
City Union Bank
Administrative Office
No.24B, Gandhi Nagar
Kumbakonam - 612 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to forbear the 2nd respondent from in any manner attempting its take possession of the residential premises in Plot No.1/5, T.S.No.9/4 in 2nd Floor, Sri Krishna Residency, Chinnakrishnapuram, Salem pursuant to the notice dated 12.11.2021 of the 2nd Respondent in Na.Ka.No.5550/2016/A2.

For the Petitioner : Mr.B.Ravi Raja

For the Respondents : Mr.P.Muthukumar
Special Government Pleader
for respondents 1 and 2

: Mr.R.Sivaraman
for 3rd respondent

ORDER

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

This writ petition has been filed by the petitioner to forbear the second respondent from in any manner attempting to



take possession of the residential premises in Plot No.1/5, T.S.No.9/4 in 2nd Floor, Sri Krishna Residency, Chinnakrishnapuram, Salem pursuant to the notice dated 12.11.2021 of the second respondent.

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2. Learned counsel for the petitioner wants to avail of the remedy before the Debts Recovery Tribunal and, accordingly, prays for withdrawal of the writ petition. The only prayer is to allow him to take certain articles from the house, which are otherwise very essential to the petitioner.

3. In view of the above, the writ petition is disposed of with liberty to the petitioner to avail the remedy before the Debts Recovery Tribunal under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. In the meanwhile, the petitioner would be at liberty to take necessary articles from the house in the presence of a representative of the Bank. It may be a passport or any such document which has been required, to which no objection has been raised by learned counsel appearing for the Bank. There will be no order as to costs. Consequently, W.M.P.No.26811 of 2021 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

bbr Sub Assistant Registrar

To:

- 1 The District Magistrate and Collector
Salem.
- 2 The Revenue Divisional Officer
Office of the Revenue Divisional office
Salem.
- 3 The Authorized officer
City Union Bank, Administrative Office
No.24B, Gandhi Nagar
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+2ccs to Mr.B.Raviraja, Advocate, S.R.No.66808,66828
+1cc to Government Pleader, in SR.No.67472 [08/04/2022]

W.P.No.25388 of 2021

BR(CO)
SU(15/12/2021)