



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.[MD]No.9382 of 2021

and

W.M.P.[MD]Nos.7096 and 7097 of 2021

K.Rajalakshmi

... Petitioner

Vs.

1.The Authorized Officer,
Andra Bank now Union Bank of India,
1, PSR Road, Sivakasi,
Virudhunagar District.

2.P.Jayakannan

3. J.Santhi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in pursuance of the impugned order in Crl.MP.No.14 of 2020, on the file of the learned Chief Judicial Magistrate Court, Viruthunagar District at Srivilliputhur dated 22.03.2021, quash the same and consequently direct the learned Chief Judicial Magistrate Court, Viruthunagar District at Srivilliputhur to provide three month time to the petitioner to vacate from property in Door No.8/7, Pandi Vinayagarkovil Street, Muthusampuram, Mugavur Village, Rajapalayam Taluk, Virudhunagar District, as the secured asset of the first respondent.

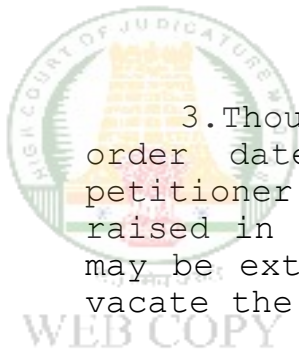
For Petitioner : Mr.S.Selvakumar
For Respondent(R1) : Mr.N.Dilip Kumar,

O R D E R

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. In view of the order we proposed to pass in this writ petition, notice to the respondents 2 and 3 is dispensed with.

2.Heard Mr.S.Selvakumar, learned Counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel appearing for the first respondent.



3. Though the petitioner herein has challenged the impugned order dated 22.03.2021, the learned Counsel appearing for the petitioner submitted that he is not pressing any of the grounds raised in the present writ petition and that a sympathetic approach may be extended to the petitioner, thereby granting time to her to vacate the subject premises.

4. This Court has taken note of the fact that the petitioner herein is residing in the subject premises at Door No.8/7, Pandi Vinayagarkovil Street, Muthusampuram, Mugavur Village, Rajapalayam Taluk, Virudhunagar District, along with her husband, two small children, her parents and her husband's parents, who are claimed to be old people.

5. By extending a sympathetic approach and considering the present COVID-19 pandemic, this Court is of the view that if the petitioner is granted a month time to vacate the subject premises and handover the possession to the first respondent-Bank, subject to giving an undertaking in the form of an affidavit to vacate the premises, the ends of justice will be secured.

6. In the light of the submission made by the learned Counsel appearing for the petitioner, the merits of the case are not addressed. Accordingly, the petitioner is granted time to vacate the subject premises at Door No.8/7, Pandi Vinayagarkovil Street, Muthusampuram, Mugavur Village, Rajapalayam Taluk, Virudhunagar District, till 06.06.2021. The petitioner is called upon to give an affidavit of undertaking, atleast within two days from today, to the first respondent-Bank to vacate the subject premises and handover possession to the first respondent-Bank, on or before 06.06.2021.

7. It is made clear that in case such an affidavit is not given to the first respondent-Bank, the first respondent-Bank is at liberty to evict the petitioner from the subject premises. It is further clarified that in case the petitioner does not vacate the premises on or before 06.06.2021, the first respondent-Bank is at liberty to evict the petitioner thereafter.

8. This Writ Petition stands disposed of, accordingly. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

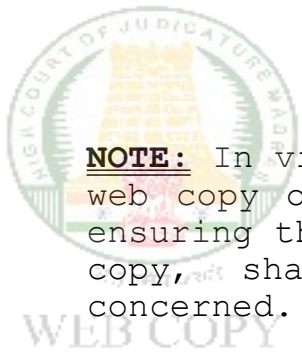
Sd/-
Assistant Registrar(AD-II)

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/ /2021
Sub Assistant Registrar

SJ/PKN

<https://hcservices.ecourts.gov.in/hcservices/>



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.N.DILIPKUMAR, Advocate (SR-18516[F] dated 10/05/2021)

Order made in
W.P.[MD]No.9382 of 2021 and
W.M.P.[MD]Nos.7096 and 7097 of 2021
06.05.2021

SSS(CO)
SRS/02.06.2021/3P/2C