



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.21293 of 2021

and W.M.P. (MD) No.17866 of 2021

WEB COPY

S.Devi

... Petitioner

Vs.

1.Assistant General Manager,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
No.8, Dr.Ambethkar Road,
Vinayaga Nagar Branch I Floor,
Madurai 625 020.

2.Authorized Officer/Chief Manager,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
No.8, Dr.Ambethkar Road,
Vinayaga Nagar Branch I Floor,
Madurai 625 020.

3.Mohammed Gani

4.A.Saravanan

5.F.Lourdu Mary

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 1, 2 and 5 from evicting petitioner's dwelling house situated at Re Survey No.122/1B & 122/3B, Flat No.C201, Ground Floor, Block C2 CW No.92, Zone 4, VNCT Properties, Kovalan Nagar, Palanganatham, Madakulam Village, Thirupparankundram Taluk, Madurai District till the date of termination of lease agreement and without following due process of law.

For Petitioner : Mr.G.Anto Prince

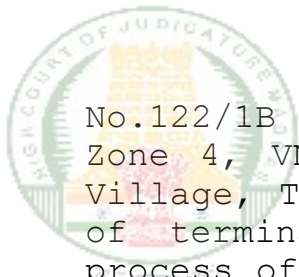
For Respondent : Mr.N.Dilipkumar

Nos.1& 2 Standing Counsel

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, forbearing respondent Nos.1, 2 and 5 from evicting petitioner's dwelling house situated at Re Survey



No.122/1B & 122/3B, Flat No.C201, Ground Floor, Block C2 CW No.92, Zone 4, VNCT Properties, Kovalan Nagar, Palanganatham, Madakulam Village, Thirupparankundram Taluk, Madurai District, till the date of termination of lease agreement and without following due process of law.

WEB COPY

2.Heard Mr.G.Anto Prince, learned counsel for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel, appearing for respondent Nos.1 and 2.

3.The writ petitioner is a tenant in the premises, where the owner borrowed loan and defaulted to pay the same and the property was brought to sale. In view of the possession by the writ petitioner, the Bank was unable to complete the sale.

4.Though it is settled that interest of the tenant cannot be taken into account by the Bank, considering the plight of the petitioner and that she sought four weeks time to vacate and handover possession, this Court has directed the petitioner to file an affidavit of undertaking, which has been filed. In the affidavit, dated 30.11.2021, the petitioner specifically undertakes to vacate and handover the physical possession of the dwelling house situated at Re Survey No.122/1B & 122/3B, Flat No.C201, Ground Floor, Block C2 CW No.92, Zone 4, VNCT Properties, Kovalan Nagar, Palanganatham, Madakulam Village, Thirupparankundram Taluk, Madurai District, within four weeks from today. The said affidavit is taken on record and the petitioner is directed to vacate the premises on or before 30.12.2021 and handover physical possession.

5.The Writ Petition stands closed with the above direction. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 /

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



litigant concerned.

To

1.Assistant General Manager,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
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+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-36880[F] dated
01/12/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-37018[F] dated 02/12/2021)

W.P (MD) No.21293 of 2021
01.12.2021

NSN (CO)
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