



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.3315 of 2022
and W.M.P.Nos.3450 to 3452 of 2022

Rebel Foods Private Limited
No.27, Paulraj Nagar,
4th Link Road Veeramani Salai,
Kandanchavadi, Perungudi,
Chennai - 600 096
rep by its Zonal Manager Balaji Ethirajulu .. Petitioner

Vs.

1. M/s, IDBI Bank Limited,
No.37, P.M.Towers, 1st Floor,
Greams Road, Chennai - 600 006
rep by its Deputy Manager C.P.Krishnaraj
2. The Chief Judicial Magistrate,
Tiruvallur.
3. M.Kamalahasan
Advocate Commissioner,
Appointed by Chief Judicial Magistrate, Tiruvallur.
4. Mayuri Mohan .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus calling for the records on the file of the respondents 2 & 3 relating to the impugned orders dated 03.01.2022 in Crl.M.P.No.3778 of 2021 and also the notice dated 17.01.2022 being the notice of possession by the 3rd respondent affixed on the premises where the petitioner is carrying on business at Shop Macherlla Mohan Mayuri Building, having 1700 sq.ft of carpet area at No.3/9, First Floor, Sri Gangaiah Naidu Industrial Aveneu, Valluvar Salai, Ramapuram, Chennai - 600 089 and to quash the same and to consequently forbearing the respondents from taking possession of the above premises without giving sufficient notice which is violative of the agreement entered into between the petitioner and the 3rd respondent.



For Petitioner : Mr.T.Sai Krishnan

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

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Mr.T.Sai Krishnan, learned counsel for the petitioner seeks permission to withdraw the Writ Petition with liberty to file an appeal as against the impugned order before the Debts Recovery Tribunal in accordance with law. Further, the learned counsel submitted that the petitioner may be granted a week's time for filing the SARFAESI Appeal before the Debts Recovery Tribunal. The learned counsel has also made an endorsement to that effect.

2. In view of the submission made by the learned counsel for the petitioner, the Writ Petition is dismissed as withdrawn. It is open to the petitioner to challenge the impugned order dated 03.01.2022 before the Debts Recovery Tribunal under the SARFAESI Act within a period of one week from the date of receipt of a copy of this order. The respondents are directed to maintain status-quo till 15.03.2022. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. M/s, IDBI Bank Limited,
No.37, P.M.Towers, 1st Floor,
Greens Road, Chennai - 600 006
 2. The Chief Judicial Magistrate,
Tiruvallur.
 3. Thiru M.Kamalahasan
Advocate Commissioner,
Appointed by Chief Judicial Magistrate, Tiruvallur.
 4. The Registrar Department Recovery Tribunal Chennai.
- +1cc to Mr.T.Sai Krishnan, Advocate, S.R.No.15397

W.P.No.3315 of 2022
and W.M.P.Nos.3450 to 3452 of 2022

GSM(CO)
CT 08/03/2022