



W.P.(MD).No.15126 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.S. SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P.(MD).No.15126 of 2022

T.Palanikumar

... Petitioner

Vs.

1.The Authorised Officer,
Canara Bank,
Theni Branch,
No.365-A-D, Madurai Road,
Theni.

2.T.S.Kannan.

3.S.Ramar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to open the lock and seal of the residential building bearing Door No.E-157, Santhanam Road, TVS Nagar, Madurai.

For Petitioner : Mr.S.Premkumar

For Respondents : Mr.V.Sukumar,
Standing Counsel for R1



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ORDER

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(Order of the Court was made by S.S.SUNDAR.J.,)

Heard Mr.S.Prem Kumar, learned counsel for the petitioner and Mr.V.Sukumar, learned Standing Counsel, who accepts notice on behalf of the first respondent.

2. This writ petition is filed for issuance of a Writ of Manadamus seeking for a positive direction. However, now the learned counsel for the petitioner requests this Court that the petitioner may be permitted to remove the movables inside the dwelling house, which was taken possession by the first respondent Bank, pursuant to the order passed by the learned Chief Judicial Magistrate in the application filed under Section 14 of SARFAESI Act.

3. The learned counsel for the first respondent Bank states that the things inside the premises were put in a separate room and it is kept under lock and key. The petitioner has not come forward with any specific case with regard to the articles or movable properties of the petitioner inside the premises. When an application is filed in this manner, it cannot be permitted without notice to the third respondent. However, this Court is inclined to dispose of the



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writ petition with the following directions:

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The petitioner is directed to submit a representation to the first respondent, along with the particulars with regard to the articles or movable properties that belongs to the petitioner, within a period of one week from the date of receipt of a copy of this order. The first respondent is directed to consider the representation of the petitioner in the presence of the respondents 2 and 3 and do the needful, so that the petitioner is able to get back of the movables that belongs to him. The respondents 2 and 3 are directed to co-operate for the same. The whole exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition is disposed of with the above direction. No costs.

[S.S.S.R.J.] [S.S.Y.J.,]

13.07.2022

Index : Yes / No
Internet: Yes / No
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S.S. SUNDAR,J.,
and
S.SRIMATHY,J.,

vsm

To

The Authorised Officer,
Canara Bank,
Theni Branch,
No.365-A-D, Madurai Road,
Theni.

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