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W.P.(MD)NO.17628 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17628 of 2022 and
W.M.P.(MD)No.12845 of 2022

S.R.Ratheesh

... Petitioner

Vs.

1. The Reserve Bank of India,
Fort Glacis, No.16, Rajaji Salai,
Chennai – 600 001.

2. The Authorized Officer,
M/s.Cholamandalam Investment & Finance Company Ltd.,
DARE House, 1st Floor,
No.2, NSC Bose Road, Parrys,
Chennai – 600 001.

3. Arulandam Bersyryl Antow

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to return the petitioner owned non-hypothecated household articles which are available in the mortgaged house property vide MOD No.249 of 2016 dated 25.01.2016 located at D.No.2-143/1 and the site comprised in R.S.No.687/7 of Thuckalay Village, Muthalakurichi Panchayat, Kalkulam Taluk, Kanyakumari District to an extent of 8 cents 750 sq.links by considering the petitioner's representation dated 04.06.2022.



For Petitioner : Mr.M.Natarajan

For R-1 : Mr.V.B.Sundhareshwar

For R-2 : Mr.P.Pethurajesh,
Standing counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner had availed loan from the second respondent company. He committed default. Proceedings under the SARFAESI Act were initiated. Possession of security was already taken way back in the year 2020. After 2 ½ years, the present writ petition has been filed for directing the second respondent to return the household articles which had been kept inside the security. In the meanwhile, the property has been sold also.

3. In my view, the writ petition suffers from grave laches. Its maintainability is also



doubtful, I decline to interfere. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The Reserve Bank of India,
Fort Glacis, No.16, Rajaji Salai,
Chennai – 600 001.
2. The Authorized Officer,
M/s.Cholamandalam Investment & Finance Company Ltd.,
DARE House, 1st Floor,
No.2, NSC Bose Road, Parrys,
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4

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G.R.SWAMINATHAN,J.

PMU

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