



W.P.No.5048 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.5048 of 2023

M/s.DCB Bank Limited
6th Floor, Tower A, Peninsula Business Park
Senapati Bapat Marg, Loer Parel, Mumbai – 400 013.
Branch Office at No.6, Rajaji Road
Opp. Tennis Stadium
Nungambakkam, Chennai – 600 034. .. Petitioner

Vs.

1. The State
Rep. by the Assistant Commissioner of Police
Pallavaram Range, Pallavaram.
2. The State
Rep. by the Inspector of Police
S-13, Chrompet Police Station
Chrompet, Chennai.
3. K.Saravanan
4. Shalini
5. Kuppuswamy
6. Chandra .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing 1st and 2nd respondents to put the petitioner back in possession of the Secured Asset mentioned hereunder in terms of the order dated 17.08.2019 passed by Honourable District Magistrate and District Collector, Kancheepuram in Application bearing No.Rc. M3/ 10899/ 2016 filed under section 14 of SARFAESI Act.

For the Petitioner : Mr.S.K.Mariyappan

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for R1 & R2

No appearance for R3, R4 & R6

R5 died

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.S.K.Mariyappan, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 2.

2. The contention of the learned counsel for the petitioner is that the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, was passed on 17.08.2019 and thereafter,



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possession was also delivered to the petitioner on 19.03.2020. It is the further contention of the petitioner that respondents 3 to 6 have trespassed over the said property again. The petitioner has given an application on 30.03.2022 to place the petitioner in possession.

3. In case the application is filed, the authorities may decide the said application on its own merits and in accordance with law and policy.

4. The writ petition, as such, stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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To

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Chrompet, Chennai.



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THE HON'BLE CHIEF JUSTICE
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(drm)

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