



W.P.No.22594 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM :

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

AND

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

W.P.No.22594 of 2023

P.Preethi

.. Petitioner

Vs.

1. The Branch Manager
Karur Vysya Bank Ltd.
Purasawakkam Branch
No.43, Gangadeeshwarar Koil Street
Purasawalkam, Chennai 600 084.
2. Pridhivi Asset Reconstruction and
Securitisation Company Ltd.
Raja Praasadamu, 4th Floor, Wing I
Plot No.6, 61 & 6B, Masjid Banda Road
Kondapur, Hyderabad 500 084
Rep. by its Authorised Officer/
Vice President VLVB Durgaprasad
Ambattur Industrial Estate
(Tamil Nadu Industrial Estate)
Chennai 600 058.

3. S.Swarnalatha

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus restraining the second respondent and their staff, men, agents from interfering with the peaceful possession and enjoyment of the property bearing Flat No.C2, Smuruthi Apartments, No.12, Sivanandasalai, Choolaimedu, Chennai 600 094 till 30.09.2023.

For the Petitioner : Mr. P.Srinivasan

For the Respondents : Mr.Srinath Sridevan
Senior Counsel
For Mr.Surya Teja S S Nalla
for Respondent-2

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Srinivasan, learned counsel for the petitioner and Mr.Srinath Sridevan, learned Senior Counsel for Mr.Surya Teja S.S. Nalla, learned counsel for the second respondent.

2. In fact, the present writ petition ought not to have been filed. The present petitioner has already filed Sarfaesi Application No.353 of 2023 before the Debts Recovery Tribunal III, Chennai and during the pendency of the said application, filed the present writ petition.

3. It is submitted by learned Senior Counsel for the second



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respondent that the Sarfaesi Application was dismissed on 19.07.2023.

4. Learned counsel for the petitioner submits that at least till 30.08.2023, the petitioner may be allowed to continue in possession. Whereas, according to learned Senior Counsel, the petitioner is put up by the borrower to defeat the action of the bank in taking over the possession.

5. We are not inclined to grant any further time to the petitioner. The respondent bank may execute the warrant of taking over possession after 15.08.2023.

6. The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.22024 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

01.08.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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