



W.P.No.28724 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28724 of 2023

Indus Towers Limited

Rep. by its authorised signatory S.Prasanna

Espee IT Park, NP 5

5<sup>th</sup> Floor, Jawaharlal Nehru Road

Ekkatuthangal, Chennai 600 032.

.. Petitioner

Vs.

1. Union Bank of India

Asset Recovery Branch

Rep. by its Chief Manager & Authorised Officer

Bimal Sukumar

Post Box No.8

No.235, Oppanakara Street

Coimbatore 641 001.

2. O.K.Sivasubramanian

3. R.Bavani

4. Rajagopal

.. Respondents

[R3 & R4 impleaded vide  
order dated 16.10.2023]



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the 1<sup>st</sup> respondent vide their letter reference No.ARBCBE/MISC/5/2023-24 dated 22.09.2023 and quash the same and consequently, direct the 1<sup>st</sup> respondent or its successors, representatives including any auction purchaser to provide 24/7 access without disturbing any activities related to the Cell Phone Tower situated at Balaji Kripa Kalayanamandapam.

For the Petitioner : Mr.P.J.Rishikesh

For the Respondents : Mr.Sriram  
for Respondent-1

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.J.Rishikesh, learned counsel for the petitioner and Mr.Sriram, learned counsel for the first respondent.

2. The petitioner is a tenant of the property owned by the mortgagor to the bank. The mortgagor had mortgaged the said property to the bank. The bank exercised its right under the Securitisation and Reconstruction of Financial Assets and Enforcement



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of Security Interest Act, 2002 and sold the said property.

3. Learned counsel for the petitioner submits that if four months time is given, the petitioner would vacate the premises and remove its belongings.

4. Today, none appears for the respondents 3 and 4, though served. The respondents 3 and 4 are the auction purchasers.

5. Considering the fact that the petitioner was doing business in the said premises and it has its belongings, we grant two months' time to the petitioner to remove its belongings and hand over vacant possession to the respondents.

6. On lapse of two months, if the petitioner does not vacate the premises and remove its belongings, then, it would be open to the respondents to take physical possession of the property in accordance with law.



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7. The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.28298, 28299, 28301 and 28304 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

07.11.2023

Index : Yes/No  
Neutral Citation : Yes/No

kpl

To

The Chief Manager & Authorised Officer Bimal Sukumar  
Union Bank of India  
Asset Recovery Branch  
Post Box No.8  
No.235, Oppanakara Street  
Coimbatore 641 001.



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THE HON'BLE CHIEF JUSTICE  
AND  
D.BHARATHA CHAKRAVARTHY, J

(kpl)

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