



W.P(MD)No.952 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.952 of 2023
and
W.M.P(MD)No.893 of 2023**

1.K.Ratheesh Kumar
2.Anto Boss
3.Rethna Raj
4.S.Ananthan

... Petitioners

vs.

1.The Branch Manager,
ICICI Bank Limited,
Nagercoil Branch,
Kottar,
Nagercoil,
Kanyakumari District.

2.The Authorized Officer,
ICICI Bank Limited,
Arihant Insight, Plot No.24,
Block No.1,
Ambattur Industrial Estate,
Chennai – 600 005.

4.R.Chandrakala
5.R.Jharon Ruben

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from dispossessing, locking or sealing the shops of the petitioners in Chandrakala Towers, in R.S.No.605/19, Kattadurai Panchayat, Viyannor A Village, Kannanur Town, Kalkulam Taluk, Kanyakumari District and consequently direct the respondents to permit the petitioners to occupy the said premises by receiving the rents directly till the sale of the petition mentioned property by the respondents.

For Petitioner : Mr.M.Mahaboob Athiff

For RR 1 & 2 : Mr.J.Alaguram Jothi
Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in the Writ Petition is seeking for issuance of a Writ of Mandamus, forbearing the respondents from dispossessing, locking or sealing the shops of the petitioners in Chandrakala Towers, in R.S.No.605/19, Kattadurai Panchayat, Viyannor A Village, Kannanur Town, Kalkulam Taluk, Kanyakumari District and consequently direct the respondents to permit the petitioners to occupy the said premises by receiving the rents directly till the sale of the petition mentioned property by the respondents.

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2.Today, when the matter is taken up for hearing, the learned counsel appearing for the respondents 1 and 2/Bank submitted that the petitioners, who are the tenants, made representations, dated 09.01.2023 to the respondent Bank stating that they will vacate the premises and hand over the possession of the property to the respondent Bank on or before 16.01.2023.

3.In reply, the learned counsel appearing for the petitioners seeks time till 14.02.2023 for vacating the premises and hand over the possession of the property to the respondent Bank.

4.Considering the limited scope of the request made by the petitioners, without prejudice to the rights and contentions raised herein, we are accepting the request made by the petitioners and granting time till 14.02.2023 for delivering the possession of the property and hand over the key to the respondent Bank, failing which, the respondent Bank shall proceed with the direction issued in CrI.M.P.No.6333 of 2021, dated 18.03.2022 by the learned Chief Judicial Magistrate, Kanyakumari. Till such time, the respondent Bank shall not take any coercive steps. This order



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cannot be taken as a precedent in other matters and it is applicable only for the petitioners alone.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
12.01.2023
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes

Note:- Issue Order Copy on 12.01.2023.

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To

- 1.The Branch Manager,
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.952 of 2023

DATED : 12.01.2023
(1/2)