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WMP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Tuesday, the Fourteenth day of February
Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
AND

The Hon`ble Mrs.Justice L. VICTORIA GOWRI
WMP(MD). Nos.2818 & 2819 of 2023
in WP(MD).Nos. 1072 & 952 of 2023

WMP(MD). No.2818 of 2023

Shaik Mohammed.M,
Proprietor,
M/s.Shara Cakes and Bakers,
Door No. 28-35/11, Chandrakala Towers,
Azhagiamandapam, Mulagumoodu, Kanyakumari- 629 167

... Petitioner/ Petitioner

Vs

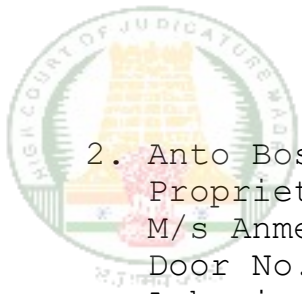
- 1 The Branch Manager,
ICICI Bank Ltd.,
Nagercoil Branch , Kottar,
Nagercoil, Kanyakumari District.
- 2 The Authorized Officer
ICICI Bank Ltd., Arihant Insight,
Plot No. 24, Block No. 1, Ambattur Industrial Estate,
Chennai-600 005.
- 3 Chandrakala. R,
W/o.Late Ruben,
2/11, Ponthnpilavilai,
Azhagiamandapam, Kalkulam Taluk,
Kanyakumari District.
- 4 Jharson Ruben.R,
S/o.Late Ruben,
2/11, Ponthnpilavilai,
Azhagiamandapam, Kalkulam Taluk,
Kanyakumari District.

... Respondents/Respondents

WMP(MD). No.2819 of 2023

1. Ratheesh Kumar.K
Proprietor,
M/s. Kumar Fashion Jewellery,
Door No. 28-35/11, Chandrakala Towers,
Azhagiamandapam,

<https://www.mhjc.org.in> Mulagumoodu, Kanyakumari 629 167.



2. Anto Boss,
Proprietor,
M/s Anmeegha Gold Covering,
Door No. 28-35/9, Chandrakala Towers,
Azhagiamandapam,
Mulagumoodu,
Kanyakumari 629 167.
3. Rethna Raj,
Proprietor,
M/s Hotel Rethinamani,
Door No. 28-35/6 and 7, Chandrakala Towers,
Azhagiamandapam,
Mulagumoodu,
Kanyakumari 629 167.
4. Ananthan.S
Proprietor,
M/s Angel Medivcals,
Door No. 28-35/9, Chandrakala Towers,
Azhagiamandapam,
Mulagumoodu,
Kanyakumari 629 167.

... Petitioners/ Petitioners

- Vs. -

- 1 The Branch Manager,
ICICI Bank Ltd.,
Nagercoil Branch , Kottar,
Nagercoil, Kanyakumari District.
- 2 The Authorized Officer
ICICI Bank Ltd., Arihant Insight,
Plot No. 24, Block No. 1, Ambattur Industrial Estate,
Chennai-600 005.
- 3 Chandrakala. R,
W/o.Late Ruben,
2/11, Ponthnpilavilai,
Azhagiamandapam, Kalkulam Taluk,
Kanyakumari District.
- 4 Jharson Ruben.R,
S/o.Late Ruben,
2/11, Ponthnpilavilai,
Azhagiamandapam, Kalkulam Taluk,
Kanyakumari District.

... Respondents/ Respondents



Prayer in WMP(MD). No.2818 of 2023:-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to extend the time granted to vacate the premises vide order dated 20.01.2023 in WP(MD) 1072/2023 by 4 weeks from 14.02.2023.

WMP COPY

Prayer in WMP(MD). 2819/ 2023 :

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to extend the time granted to vacate the premises vide order dated 12.01.2023 in WP(MD) 952/2023 by 4 weeks from 14.02.2023.

Prayer in WP(MD). 1072/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue 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, Viyanoor 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 respondent.

Prayer in WP(MD). 952/ 2023 :

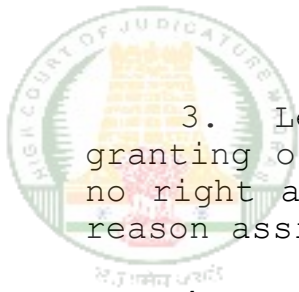
Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, forbearing the respondents from dispossessing, locking or sealing the shops of the petitioners in Chandrakala Towers, in R.S.No. 605/19, Kattadurai Panchayat, Viyanoor A village, Kannanur 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.

ORDER:-

These Writ Miscellaneous Petitions are coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr. M.Mahaboob Athiff, Advocate for the Petitioner in both cases and of Mr. J.Alaguram Jothi, Standing Advocate for the 1st and 2nd respondents in both cases, this Court made the following order:

These petitions have been filed to extend the time granted to vacate the premises vide separate orders dated 20.01.2023 passed in W.P(MD) Nos.1072 and 952 of 2023 by four weeks from 14.02.2023.

2. The reason assigned by the petitioners for extension of time is that despite earnest efforts, they are unable to find shops for rent in order to vacate the present shops.



3. Learned counsel for the respondent Bank has objected to the granting of four weeks time and submitted that the petitioners have no right at all to continue in the present shops and the aforesaid reason assigned by the petitioners is not acceptable.

4. However, considering the reasons assigned by the petitioners for extension of time and the objection raised by the counsel for the Bank, we are inclined to extend the time till 28.02.2023 for delivering the possession of the property and hand over the key to the respondent Bank. If the petitioners fail to deliver the possession of the property and hand over the key within the aforesaid stipulated time, then the respondent Bank is at liberty to take possession without any further notice.

5. These miscellaneous petitions are ordered accordingly.

Sd/-

Assistant Registrar()

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

+2CC to Mr.M.Mahaboob Athiff, Advocate, SR.No. 8399& 8400

+1CC to Mr. J. Alaguram, Advoate, SR.No. 8200

ORDER DATED : 14/02/2023

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ORDER

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WMP(MD). Nos.2818 & 2819 of 2023
in WP(MD).Nos. 1072 & 952 of 2023

Giving direction and etc.
as stated within.

KB(22.02.2023) 4P 4C