



W.P.(MD) No.15315 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.15315 of 2023

K.Saravanan

... Petitioner

-vs-

1.The Authorized Officer
Indian Bank
Tiruverumbur, Trichy District

2.The Branch Manager
Indian Bank
Ordinance Estate Suriyur Branch
Trichy District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to unlock the petitioner's house property situated at 1/657, Iyyappanagar, Pallivasal Street, Poolangudi Colony, Ayan Punjai Survey No.33/19, Happ Post, Trichy-620 025 and to allow the petitioner to take back all his belongings within a period of two days.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.R.Pandivel



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

2. Mr.R.Pandivel, learned counsel, takes notice for the respondent – Bank.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble court may be graciously pleased to issue a WRIT OF MANDAMUS, or any other appropriate writ, or direction in the nature of writ, directing the respondents to unlock my house property situated at 1/657, Iyyappanagar, Pallivasal Street, Poolangudi Colony, Ayan punjai Survey No.33/19, Happ Post, Trichy-620025 and allow me to take back all my belongings within a period of 2 days and pass further or other orders may deem fit and proper in the circumstances of the case and thus render justice.”



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5. Learned counsel appearing for the respondent – Bank will have no objection for the petitioner removing his movables from the secured asset.

6. Hence, this writ petition is disposed of with the following directions:

- (i) The respondent – Bank officials shall open the secured asset on 05.07.2023.
- (ii) The petitioner shall remove his belongings on the said day itself in the presence of the Advocate Commissioner appointed by the learned jurisdictional Chief Judicial Magistrate.

No costs.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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