



W.P(MD)No.19779 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.19779 of 2023
and
W.M.P(MD)Nos.16330, 16331 & 16660 of 2023**

S.Pavithra

... Petitioner

Vs.

1.State Bank of India

Rep. by its Authorised Officer/Chief Manager,
Raja Plaza, First Floor,
No.1112, Avinashi Road,
Coimbatore - 641 037.

2.S.Murugan

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the Learned Chief Judicial Magistrate, Srivilliputhur, under section 14 of the SARFAESI



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Act, 2002 dated 13.06.2023 made in CrI.M.P.No.1865 of 2023 and quash the same and consequently direct the Respondents not to evict the Petitioner without following due process of law.

For Petitioner : Mr.Suresh

for C.Lakshmanan

For Respondents : Mr.N.Dilip Kumar - for R1

Standing Counsel

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.Suresh, learned counsel for Mr.C.Lakshmanan, learned counsel for the petitioner, Mr.N.Dilip Kumar, learned Standing Counsel appearing for the first respondent.

2. We find that the proceedings are not *bonafide*. The petitioner claims to be the tenant of the subject property. The owner of the subject property is the guarantor as contended by the petitioner. The second respondent who had filed securitization application could not comply with the condition. The stay was vacated and thereafter, the present Writ Petition is filed.



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3. The affidavit is filed by the petitioner stating that the petitioner would vacate the premises within a time frame fixed by this Court.

4. We do not find the proceedings to be *bonafide*. The petitioner claims to be the tenant under unregistered deed.

5. Considering the above, we grant time to the petitioner to vacate till 20th September, 2023. In case, the petitioner does not vacate on or before 20th September, 2023, the respondent Bank is entitled to take the Police protection for further action.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[C.K., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

RM

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