



W.P.Nos.17740 of 2016, etc.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

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THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP Nos.17740 of 2016, 18450 of 2019 and 32866 of 2014

W.P.No.17740 of 2016

M.Arumugam (DECEASED)
S/o.Murugesu Naicker,
No.31, Bajanai Koil Street,
Choolaimedu,
Chennai-600 094. and 4 Others

Petitioner(s)

Vs

ASREC India Ltd.,
Rep. by its Authorised Officer,
UTI Tower, GN Block,
Bandra Kurla Complex, Bandra (East),
Mumbai-51 and 5 Others

Respondent(s)

For Petitioner(s): Mr.P.Vijendran

For Respondent(s): Mr.F.B.Benjamin George
for R1 and R2

: Mr.P.S.Ganesh, for R3



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: Mr.S.Ganesh
for M/s.G.Vijay Anand Associates, for R4

: Mr.K.Raj Thilak, Addl.Public Prosecutor, for R5

: Mr.S.Ayyadurai, for R6

* * * * *

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The Advocate Commissioner, who was appointed pursuant to the order dated 28.11.2024, has filed a report dated 30.12.2024, in which paragraphs 10 and 15 read as under:

"First Floor portion:-

10) The First Floor portion was also found locked and sealed by the Bank and I proceeded to break open the First Floor portion with the help of the locksmith and upon entering inside I noticed that the First floor portion consists of 1 hall, 1 bedroom, 1 living room, 1 kitchen, 1 bathroom and 1 toilet room. The following articles were found in the First Floor portion:

(i) Hall: -Nil-

(ii) Bed room: (i) Old and unused Air Cooler (ii) old CRT model TV (free TV given by Govt) (iii) small table fan and (iv) very old unused corner plywood-mica table;

(iii) Living room: (i) Locked Steel Almirah (ii) Steel cot



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(iii) old wooden table and (iv) several things stuffed in old bags and kept on the loft;

(iv) Kitchen: (i) Gas stove (ii) 2 LPG cylinders - one empty and one with half capacity (iii) old grinder machiner (iv) pressure cooker several things stuffed in old bags and kept on the loft;

I took inventory of the above mentioned articles and I locked the First Floor portion and retained the keys with me.

...

15) I further submit that as regards to the First Floor portion, the keys of which are deposited before this Hon'ble Court, I shall abide by and I am ready to execute any further directions issued by this Hon'ble Court in this regard."

2. Sri.Ganesh appearing for the auction purchaser/respondent No.4, states that he is entitled to a vacant possession even of the first floor.

3. Sri.Vijendran states the articles belonged to a tenant, who vacated the premises sometime in 2019. Sri.Vijendran further states that the tenant, who vacated in 2019, has not approached his clients for return of those properties.

4. Respondents 1 to 4 may deal with the movables within the flat as



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5. Sri.George for respondents 1 and 2 states that on or before 17.01.2025, respondent No.1/respondent No.2 shall have all the movables within the first floor portion removed and stored/disposed/dealt with at their own risk and costs. This statement is accepted as an undertaking to this Court.

6. In view thereof, we direct the Advocate Commissioner to reopen the lock placed by him in the presence of respondent No.1/respondent No.2 and respondent No.4, permit respondent No.1/respondent No.2 to remove the movables and take the same away. The Advocate Commissioner shall thereafter lock the premises and hand over the key to respondent No.4. The Advocate Commissioner states that the possession of the remaining portions have already been handed over to respondent No.4.

7. It is upto respondent No.1/respondent No.2 to deal with the movables as they deem fit at their own risk and costs. We express no



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8. The fees of the Advocate Commissioner for the further visit is fixed at Rs.50,000/- (Rupees fifty thousand only) to be paid by respondent No.1/ respondent No.2 within one week of receiving the invoice from the Advocate Commissioner. The Advocate Commissioner states, the last invoice raised by him has been paid.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)
08.01.2025

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The Hon'ble Chief Justice
and
Senthilkumar Ramamoorthy, J.

(sra)

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