



WEB COPY



W.P.No.21091 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.21091 of 2024

A.Mathavan

... Petitioner

Vs.

The Authorized Officer,
M/s Axis Bank Ltd.,
Legal & Support Team,
2nd floor, Door No.31, Old No.14,
South Mada Street, Mylapore,
Chennai 600004.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking issuance of Writ of Mandamus, directing the respondent to permit the petitioner to remove all his belongings from his residence/ the sealed Secured Asset at No.491, West Rajapalayam, Pethanayakanpalayam, Salem 636 115.

For Petitioner : Mr.K.J.Parthasarathy

For respondent : Mr.M.R.Uma Vijayan

ORDER

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

The petitioner has filed this writ petition to direct the respondent to

permit the petitioner to remove all his belongings from his residence/ the sealed Secured Asset at No.491, West Rajapalayam, Pethanayakanpalayam, Salem- 636 115.

2. According to the petitioner, his property was mortgaged with the respondent for obtaining the agricultural cash credit loan and subsequently, his account was classified as NPA by the bank and following the same, the respondent bank, had taken possession of the property under the SARFAESI Act and sealed it on 09.07.2024.

3. The learned counsel for the petitioner submitted that, all the belongings and valuables of the petitioner had been kept in the sealed premises and hence, he seeks permission of this court to de-seal the premises and to remove all his belongings.



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4. The learned counsel for the respondent bank has no objection to permit the petitioner to enter upon the property and to de-seal the premises for removing his belongings.

5. Considering the submission made by the learned counsel appearing on either side, we dispose the writ petition with the following directions.

i) The petitioner is permitted to take possession of the property on 09.09.2024 at 10.00 a.m to remove all his belongings kept inside the premises and he shall hand over the property to Authorised officials of the respondent bank at 5.00 p.m. on the same day itself.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

(D.K.K., A.CJ.)

(P.B.B.J.)

05.09.2024

Note: Issue order copy on 05.09.2024

Internet: Yes/No

Index : Yes/No

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To

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THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

mst

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