



W.P.(MD) No.2353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2353 of 2024

and

W.M.P.(MD)No.2368 of 2024

M.Hariff

... Petitioner

-Vs-

1.The Authorized Officer,
M/s.Shriram Transport Finance Company Ltd.,
No.81, 3rd Floor,
P.K.N.A.Complex (Upstairs mega mart),
Bypass Road, Madurai-14.

2.M/s.Shriram Transport Finance Company Ltd.,
Rep.by its Branch Manager/Authorized Officer,
K.K.Nagar Branch, No.29, Nataraj Complex,
1st Floor, KFC Upstairs, District Court Opp.,
Madurai-20.

3.The Registrar,
Debt Recovery Tribunal,
Madurai.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant 3 months time to vacate

Page 1 of 4



W.P.(MD) No.2353 of 2024

my company showroom installed at 2/379, Gomathipuram 6th Main Road,
Sivagangai Road, Madurai.

For Petitioner : Mr.Veera Kathiravan
Senior counsel for Mr.F.Deepak
For R1 & R2 : Mr.B.Senthilkumar
For R3 : Mr.A.Srinivasan

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner availed term loan facilities to the tune of Rs.1 crore from the respondent Bank for the purpose of developing his business. He was regularly paying the monthly instalments. However, due to some financial crises owing to Covid-19 lock down, the petitioner was not able to repay the said loan. Hence, the second respondent declared the loan account of the petitioner as NPA on 09.12.2019 and initiated proceedings under the SARFAESI Act. Possession notice was also issued. Now the petitioner, seeking three months time to vacate the subject premises, has filed the present writ petition.

2.The learned counsel for the petitioner submits that the petitioner is ready to vacate the subject premises within a period of eight weeks from the date of receipt of a copy of this order. He has also filed an undertaking affidavit to that effect.



W.P.(MD) No.2353 of 2024

WEB COPY

3.The learned counsel for the respondent bank submits that though the petitioner has filed an affidavit undertaking to vacate the subject premises, he has not mentioned anything about handing over the possession of the subject property to the respondent bank.

4.In view of the undertaking affidavit filed by the petitioner, this Court directs the petitioner to vacate the subject premises on or before 27.04.2024, failing which the respondent bank is entitled to take possession of the subject property on 28.04.2024 without issuing any further notice to the petitioner.

5.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 01.04.2023

Page 3 of 4



WEB COPY



W.P.(MD) No.2353 of 2024

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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W.P.(MD)No.2353 of 2023

27.02.2024