



W.P(MD)No.8842 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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Jeevitha

... Petitioner

VS.

- 1.The Senior Manager,
Punjab National Bank,
B.O.Vayalur Road, Trichy.
- 2.The Manager,
Punjab National Bank,
Circle Recovery Centre,
Co.PNB House,
Trichy – Thanjavur Highway,
Kailasapuram, Trichy.
- 3.K.Thangaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to permit the petitioner to remove her machinery and equipment lying at Plot No.14, S.F.No.126/6, Kainankarai, Mathur Village, Pudukkottai District, by consider the petitioner's representation dated 23.03.2024 within the time stipulated by this Court.



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For Petitioner

: Mr.B.Jameelarasu

For Respondent Nos.1 & 2

: Mr.V.Balasubramanian
standing counsel

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 and 2 to permit the petitioner to remove her machinery and equipment lying at Plot No.14, S.F.No.126/6, Kainankarai, Mathur Village, Pudukkottai District, by consider the petitioner's representation, dated 23.03.2024 within the time stipulated by this Court.

2.The petitioner is a tenant under the third respondent in the petition mentioned premises, where the petitioner runs an Industry.

3.However, recently, she came to know that the third respondent being the owner of the property, already secured a loan from the respondent Bank and in view of the default in making the payment, SARFAESI proceedings were issued by the Bank and ultimately, after getting order under the provisions of the SARFAESI Act from the Chief Judicial



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Magistrate, the premises in question has been sealed by the Bank authority, suddenly, by virtue of that, the machineries belongs to the petitioner is also kept lying in the premises, which the Bank is not permitting to remove by the petitioner, therefore, she has given a representation to that effect on 23.03.2024 to the respondent Bank, despite that, since no permission has been given to the petitioner to remove her machineries from the premises concerned, which has already been sealed by the Bank, the petitioner has approached this Court with the aforestated prayer.

4.Heard Mr.B.Jameelarasu, learned counsel appearing for the petitioner, who having reiterated the said facts, seeks indulgence of this Court.

5.Heard Mr.V.Balasubramanian, learned standing counsel appearing for the respondent Bank, who would submit that if the machineries of the petitioner lying in the premises belongs to the third respondent, which has already been sealed and locked, it would be considered as to whether such machineries belongs to the petitioner and if so, necessary permission would be given to remove such machineries and in this regard, action would be taken on the representation given by the



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petitioner, dated 23.03.2024, within a reasonable time that may be fixed by this Court.

6.In view of the order that is going to be passed in this Writ Petition, notice to the third respondent is dispensed with.

7.Having considered the said submission made by both sides, this Court feels that a direction can be issued to the following effect:

(i) That there shall be a direction to the respondent Bank to permit the petitioner to remove the machineries if it belongs to the petitioner lying in the premises concerned belongs to the third respondent, for which, the lock and seal already been made can be removed for a while and after the machineries are so removed by the petitioner, it is open to the Bank to again lock the premises and seal it.

(ii) The said process can be undertaken by the respondent Bank within a period of two weeks from the date of receipt of a copy of this order.



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(iii) It is made clear that after identifying the machineries in the presence of the Bank officials to be deputed in this regard, such machineries shall be removed by the petitioner without causing any damage to the building.

8. With these directions, this Writ Petition is ordered accordingly.

However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
08.04.2024

NCC : Yes / No

Index : Yes / No

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To

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and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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DATED : 08.04.2024