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W.P.(MD) No.13121 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13121 of 2024

and

W.M.P.(MD) No.11628 of 2024

S.K.Sabarinathan

... Petitioner

-VS-

1.City Union Bank Limited
Rep. by its Authorised Officer
Credit Recovery and Management Department
"Narayana" Administrative Office
No.24-B, Gandhi Nagar
Kumbakonam

2.The Branch Manager
City Union Bank
Rajapalayam Branch
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents to unlock the property situated in S.No.41/1 in Idayankulam, Mamsapuram Village, Srivilliputhur Taluk, Virudhunagar District belongs to M/s.Bhavanji Mills, Srivilliputhur and



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permit the petitioner to hold the uninterrupted possession over the said property based on the tenancy agreement entered into between the petitioner and M/s.Bhavanji Mills, represented by its partner Mr.Harish Patel, dated 14.07.2022 by considering the representation of the petitioner dated 06.06.2024.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

R.MAHADEVAN, A.C.J.

And

G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent – Bank.

2. The petitioner's landlord had availed loan from the respondent – Bank. He committed default. The Bank invoked the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act). Possession was also obtained under Section 14 of the SARFAESI Act. The secured asset has been locked. In these circumstances, the present writ petition came to be filed.



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3. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that the raw materials belonging to the petitioner worth about Rs.5 Lakhs are remaining inside the secured asset.

4. Learned Standing Counsel for the respondent – Bank informed the Court that the petitioner can inform the respondent – Bank and the respondent – Bank will open the premises so as to facilitate removal of the raw materials. But this offer has to be availed by the petitioner within a period of one week from today.

5. Recording the stand of the respondent - Bank, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., A.C.J.]

[G.R.S., J.]

19.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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