



W.P(MD)No.17212 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

CORAM:

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

W.P(MD)No.17212 of 2024

M/s.N.P.K.Fruits,
Represented by its Proprietor,
K.Annadurai

... Petitioner

VS.

1.The Senior Manager,
IndusInd Bank Limited,
Financial Restructuring & Reconstruction Group (FRRG),
No.25, "Steeple Reach", A Block 3rd Floor,
Radhakrishnan Salai,
Cathedral Road,
Gopalapuram,
Chennai – 600 086.

2.The Authorized Officer / Branch Manager,
IndusInd Bank Limited,
Financial Restructuring & Reconstruction Group (FRRG),
Premier Plaza, No.122/5,
Bharathiar Salai,
Cantonment,
Tiruchirappalli – 620 001.

3.Vijaya Sree
4.Pooja

... Respondents



W.P(MD)No.17212 of 2024

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 his machinery and equipment lying at Door No.6, Viswas Nagar, Trichy by considering the representation of the petitioner dated 20.08.2024 within a time frame stipulated by this Court.

For Petitioner	: Mr.A.Sivasubramanian
For Respondents	: Mr.B.Baskar for R.1 & R.2

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

This Writ Petition is filed by the borrower praying to direct the respondent Bank to permit the petitioner to remove his machinery and equipment lying at Door No.6, Viswas Nagar, Trichy by considering his representation, dated 20.08.2024 within a time frame stipulated by this Court.

2.By consent, this Writ Petition is taken up for final disposal at the admission stage itself and in view of the order that is proposed to be passed, notice to the third and fourth respondents is dispensed with.



W.P(MD)No.17212 of 2024

3.The petitioner being a borrower of the loan since defaulted in repayment of the loan, proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short hereinafter referred to as "the SARFAESI Act") was initiated. Pursuant to the issuance of the notices under Sections 13(2) and 13(4) of the SARAFESI Act, sale proceeding was initiated and in the sale conducted by the respondent Bank, the respondents 3 and 4 were the successful bidder, in whose favour the property has been sold.

4.It is the grievance of the petitioner that the petitioner, being the borrower, is entitled to remove the articles, which are available in the premises of the property.

5.The learned counsel appearing for the respondents 1 and 2/Bank submitted that already they have made a communication to the petitioner on 16.04.2024 intimating that he is permitted to take the articles remaining in the premises that has been sold in favour of the respondents 3 and 4. However, even now the respondent Bank is ready to hand over the articles to the petitioner.



W.P(MD)No.17212 of 2024

6.In view of the submissions made by the learned counsel appearing on either side, we are inclined to issue the following direction:

'The respondent Bank is directed to permit the petitioner to take the articles, from the premises that has been sold in favour of the respondents 3 and 4 within a period of one week from the date of receipt of a copy of this order.'

7.With the above direction, the Writ Petition stands disposed of.
However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
26.07.2024

NCC : Yes / No
Index : Yes / No
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W.P(MD)No.17212 of 2024

To

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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.P(MD)No.17212 of 2024

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