



W.P.(MD)No.19628 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **13.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.19628 of 2019

and

W.M.P.(MD)Nos.16087 and 16089 of 2019

D.Venkat Raj

... Petitioner

-Vs-

1.The Branch Manager,
State Bank of India,
Arasaradi Branch,Madurai

2.K.Thakshinamurthy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter undated and signed by the first respondent from evicting the petitioner from property in Plot No.46, Anandharaja Nagar, Kodikulam, Madurai without following due process of law.

For Petitioner	: Mr.VR.Shanmuganathan
For R1	: Mr.M.Karunanidhi
For R2	: No Appearance

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 21.08.2019, thereby directed the petitioner to vacate and



W.P.(MD)No.19628 of 2019

hand over the vacant possession of the house situated in Plot No.46, Anandha Raja Nagar, Kodikulam, Madurai.

2.The petitioner is a lessee under the second respondent in respect of the subject premises at Plot No.46, at Anandha Raja Nagar, Kodikulam Madurai by a oral lease agreement for a period of three years from 01.08.2015 to 01.08.2018. The second respondent involved in a criminal case in R.C.MA1 1999 A-0013 on the file of CBI, ACB Chennai and after completion of the investigation, final report was filed and the same has been taken cognizance in C.C.No.01 of 2001 on the file of CBI, Madurai. By way of an application filed by CBI, Chennai in CrI.M.P.No.636 of 2001 in C.C.1 of 2001 on the file of the learned Principal Special Judge, CBI case, Madurai for attachment of the subject property, an interim order of attachment was passed by an order dated 19.10.2001 and subsequently, it was made absolute by order dated 13.11.2001. Simultaneously, the first respondent also filed a suit in O.S.No.69 of 1999 and as against the attachment, the first respondent filed an appeal and the same was allowed by this Court in CrI.A.(MD)Nos.203 and 204 of 2011. After the attachment, the subject property was confiscated in favour of the Government. Aggrieved by the same, the first respondent preferred an appeal in CrI.A. (MD)No.254 of 2019, which was also confirmed by the Hon'ble Supreme



W.P.(MD)No.19628 of 2019

Court in S.L.P.(CrI)No.8340 of 2019 by an order dated 18.11.2019. This Court while allowing the appeal, specifically stated that the subject property will have to be necessarily go to the first respondent herein and the first respondent was directed to confiscate the subject property.

3.Now the petitioner, being a lessee under the second respondent namely the accused in the criminal case, has no right over the property and squatting over the property for the past several years. The first respondent was directed to confiscate the property, since already the property was attached in CrI.M.P.No.636 of 2001 in C.C.No.1 of 2001 by an order dated 19.10.2001 and it was made absolute on 13.11.2001. Hence, the first respondent has rightly directed the petitioner to vacate and hand over the subject property.

4.In view of the above, I find no infirmity in the order of recovery passed by the first respondent. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13.12.2024

Index : Yes / No
NCC : Yes / No
ta



WEB COPY



W.P.(MD)No.19628 of 2019

G.K.ILANTHIRAIYAN, J.

ta

To

The Branch Manager,
State Bank of India,
Arasaradi Branch, Madurai

W.P.(MD)No.19628 of 2019

13.12.2024