



W.P.No.3464 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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K.K.Srikanth

.. Petitioner

VS

The Chief Manager & Authorised Officer,
Indian Overseas Bank,
Purasawalkam Branch,
No.15, Hunters Road, Purasawalkam,
Chennai-600 112.

.. Respondent

Prayer : Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent/respondent bank to extend time of about 6 to 9 months for the petitioner/petitioner to quit, vacate and hand over vacant possession of the tenanted premises to the respondent/respondent.

For Petitioner : Mr.V.Jayachandran

For Respondent : Ms.Rachana Shankar
for Mr.F.B.Benjamin George



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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The relief sought is a mandamus to the bank to extend time of about 6 to 9 months for petitioner to quit, vacate and hand over vacant possession of the tenanted premises to respondent bank.

2. Therefore, it is clear that:

- (a) petitioner admits that the premises has to be handed over to the bank;
- (b) petitioner has to vacate and hand over vacant possession to the bank;
- (c) the bank has sole right over the property; and
- (d) but for the relief from this court, petitioner is not entitled to reside in the said premises.

3. An affidavit in support has been affirmed on 24.12.2024. It is over six weeks now, since petition was filed. Even if we consider giving



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some time, one-and-half months is over.

4. Ms.Rachana Shankar, on instructions from the bank, says if the court is inclined to permit petitioner to occupy the premises, petitioner should be directed to pay rent at the market rate, which according to Ms.Rachana Shankar's instructions, is Rs.2.00 lakhs per month. Mr.Jayachandran says it should be only about Rs.40,000/- per month because the place does not even have proper drainage, water supply, etc.

5. If the place does not have any drainage or water supply, we are surprised how petitioner gave Rs.50 lakhs in 2020 to reside in such a place. Moreover, we wonder how petitioner lived in that place all these days and why this petitioner wants another 6 to 9 months to vacate such premises. Any sensible person would have terminated the contract long ago, instead of living in a place, which is a Villa we are told, on ECR Road without water supply and proper drainage system.

6. Be that as it may, purely by way of indulgence, since



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Mr.Jayachandran states petitioner has been residing in the said premises since 2020, we would give time up to and including 31.03.2025 to vacate the Villa. Mr.Jayachandran is agreeable to the date.

7. This largesse has been shown by us subject to petitioner paying the sum of Rs.1 lakh (Rupees One Lakh) per month as rent and this amount is payable for January, 2025; February, 2025 and March, 2025. Petitioner shall pay Rs.2 lakhs (Rupees Two Lakhs), Rs.1 lakh for January, 2025 and Rs.1 lakh for February, 2025, on or before 14.02.2025. Rs.1 lakh (Rupees One Lakh) for the month of March, 2025, shall be paid in advance on or before 28.02.2025. If any of these amounts are not paid, within 24 hours, petitioner shall vacate the premises and hand over vacant peaceful possession to the bank. If petitioner does not do so, the bank is at liberty to take forcible possession and have petitioner vacated with his belongings. Should the bank require any assistance, the Senior Inspector of the local police station shall co-operate in having petitioner vacated and shall not be influenced by any pressure from any sources in complying with this order.



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costs.

8. Petition is, accordingly, disposed of. There shall be no order as to

9. Ms.Rachana Shankar undertakes to file vakalatnama on behalf of
respondent within one week from today. Undertaking accepted.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ.J.)

05.02.2025

Index : Yes/No
NC : Yes/No
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To

The Chief Manager & Authorised Officer,
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Purasawalkam Branch,
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THE HON'BLE CHIEF JUSTICE
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