



WEB COPY



W.P.No.6226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.6226 of 2025
and W.M.P.No.6842 of 2025

M/s.Saibaba Polymer Technologies Pvt. Limited,
Authorised Signatory N.G.Naveen Kumar,
No.21, Nagapalapuram Road, Uthukottai,
Thiruvallur, Tamil Nadu-602 026.

.. Petitioner

vs

- 1.The Authorised Officer,
UCO Bank, Chennai Main Branch,
328, Thambu Chetty Street,
Chennai-600 001.
- 2.M/s.Sinduja Modern Dall and Rice Mills,
Prop. M.V.Sesha Rao,
Shop No.T/F 111,
Ann Fruit Whole Sale Market,
Koyambedu, Chennai-600 092.

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the entire records pertaining to



W.P.No.6226 of 2025

passing of the order dated 27.01.2025 in M.A. (SA) No.7/2025 by Debt Recovery Appellate Tribunal, Chennai and quash the same.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.P.S.Ganesh
for respondent No.1

ORDER

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

Respondent No.1 bank has obtained an order dated 1st March, 2021 passed by the District Magistrate and District Collector, Tiruvallur, for taking physical possession of the secured assets of respondent No.2 for default of business loan. A part of the asset, namely S.F.No.272/1 and 2, Plot No.5/185, Garden Road, "B" Shanthi Colony, Alamathi, Chennai, Thiruvallur-600 052, of which Godown No.2, admeasuring 12500 square feet has been given on lease to petitioner by respondent No.2. Petitioner says it has a running factory, in which about 35 employees are working.

2. Though the prayer is to restrain respondent No.1 from taking possession, counsel for petitioner, in fairness, stated that time be given to vacate the premises. Counsel for petitioner relies on an affidavit filed by



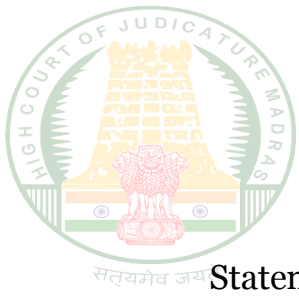
W.P.No.6226 of 2025

WEB COPY

one N.G.Naveen Kumar, affirmed on 26.02.2025, undertaking to vacate the premises by 31st July, 2025.

3. Counsel for respondent No.1 was initially not agreeable. Counsel for petitioner agreed to vacate the premises by 30th June, 2025. Counsel for respondent No.1 stated that, if the Court is inclined to consider the request of petitioner's counsel, then petitioner should be put to terms.

4. After taking instructions from petitioner, Shri Umashankar, stated that petitioner would, without prejudice to its rights and contentions against respondent No.2, pay respondent No.1 a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand) per month, including GST, beginning from January, 2025 until 30.06.2025. Counsel states on the amount net of GST, TDS will be deducted. Counsel further states that the amount payable for January, 2025 and February, 2025, shall be paid on or before 11.03.2025 and for March, 2025, the amount will be paid on or before 25.03.2025. For further period of April, May and June, 2025, the amounts will be paid on or before 11th of the respective months in advance.



W.P.No.6226 of 2025

WEB COPY

Statement by Shri Umashankar is accepted as an undertaking to this Court by petitioner. Undertaking of Shri Umashankar not to seek any extension is also accepted. At the same time, Shri Umashankar states he will approach the bank, subject to receiving instructions from petitioner, to be permitted to continue in the premises on such terms and conditions as may be agreed until the bank sells the premises. We express no opinion.

5. If the petitioner has paid any amount to respondent No.2 in advance for the same period, petitioner's right to claim the amount from respondent No.2 is kept open and the appropriate forum will decide the matter on merits.

6. Petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, interim application is closed.

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

(MOHAMMED SHAFFIQ J.)

26.02.2025

Index : Yes/No
NC : Yes/No
bbr/mka



W.P.No.6226 of 2025

WEB COPY

To
The Authorised Officer,
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W.P.No.6226 of 2025

THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

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W.P.No.6226 of 2025

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