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WMP No.12420 of 2025 in WP No.3464 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM

THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.M.P.No.12420 of 2025
in W.P.No.3464 of 2025

K.K.Srikanth
(Aadhar No. 6770 8923 2535)
(Pan No. BMOPS1177D),
Son of Krishnananda Gupta,
Plot A, Kazura Garden 1st Main Road,
3rd Cross Street, Neelankarai,
Chennai- 600 041.

Petitioner(s)

Vs

The Chief Manager and
Authorized Officer,
Indian Overseas Bank,
Purasawalkam Branch, No. 15, Hunters Road,
Purasawalkam, Chennai- 112.

Respondent(s)

Prayer: Petition filed by the petitioner to extend a period of about 3 to 4 months by fixing at Rs.1,00,000/- (Rupees One Lakh Only) rent per month to the tenanted premises for the extended period in order passed by this Court in W.P.No.3464/2025, dated 05.02.2025.



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For Petitioner : Mr.V.Jayachandran

For Respondent : Mr.F.B.Benjamin George

ORDER

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

This writ miscellaneous petition is filed by petitioner seeking additional 3 to 4 months to vacate the mortgaged premises.

2. On 05.02.2025, the following order came to be passed:

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

4. Ms.Rachana Shankar, on instructions from the bank, says if the



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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 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.

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



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

3. Against this order, petitioner preferred a Special Leave Petition, which came to be dismissed *in limine* on 24th February, 2025.

4. When we observed that petitioner, having given an undertaking as recorded in the order of 5th February, 2025, cannot now ask for further time and the expectation of petitioner of a possible transfer to Hyderabad in few months' time, can be no reason to grant further time, more particularly, in view of what is stated in paragraphs 2, 3 and 6 of the order dated 5th February, 2025, quoted above, Shri Jayachandran states few days' time should be given to petitioner to remove the furnitures, movable goods, etc. He also agrees to pay any amount as the Court will direct.

5. When we stated we may give time up to 04.04.2025 and for the period from 1st April, 2025 to 4th April, 2025, petitioner shall pay a sum of Rs.50,000/- [Rupees Fifty Thousand] as compensation to respondent bank for that period, on instructions from petitioner, who is present in Court,



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Shri Jayachandran states that petitioner will vacate and hand over peaceful possession of the mortgaged premises to the Bank on 31.03.2025 by 3.00 pm.

6. Petitioner, who is present in Court, undertakes to the Court that he shall not damage any part of the mortgaged premises and will remove only his movable furnitures and other goods. He may even take away the air conditioners, if there are any. But while removing, he shall ensure that no part is damaged.

7. We also appoint, at the request of Shri George, Mr.D.Thirumoorthy, Advocate [Mobile No.9566066766/9842613335], having his office at A-3, Rukmani Terrace, 16/3, Leith Castle Centre Street, Santhome, Chennai-600 028, as Commissioner to take possession of the mortgaged premises at 3.00 pm on 31.3.2025.

8. Fees of the Advocate-Commissioner is fixed at Rs.50,000/- [Rupees Fifty Thousand], which amount, Shri George says, shall be paid within three days of the bank receiving invoice from the Advocate-Commissioner.



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Petition is disposed of.

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

(MOHAMMED SHAFFIQ, J.)

27.03.2025

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To

The Chief Manager and
Authorized Officer,
Indian Overseas Bank,
Purasawalkam Branch, No. 15, Hunters Road,
Purasawalkam, Chennai- 112.

Registry to mark a copy of this order to:

1. Mr.D.Thirumoorthy,
Advocate [Mobile No.9566066766/9842613335],
A-3, Rukmani Terrace, 16/3, Leith Castle Centre Street,
Santhome, Chennai-600 028.
2. The Inspector of Police,
Neelankarai Police Station,
Chennai.