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W.P.No.33679 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.33679 of 2024

&

W.M.P.Nos.36464 & 36465 of 2024

1. Noorjahan
2. Jelton Jessy

.. Petitioners

Vs.

1. The Branch Manager
Indian Overseas Bank
Retail Mart Puraswalkam Branch
Chennai.

2. M.Priya
3. V.Murugan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to pay the lease consideration paid by each of the petitioners herein pertaining to the SARFAESI demand notice dated 27.08.2024 issued by the first respondent bank.



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For Petitioners : Ms.V.Mahathi Chari

For Respondents : Mr.F.B.Benjamin George
for Respondent-1

ORDER

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

Ms.Chari states petitioners would vacate the mortgaged premises on or before 31.07.2025. She further undertakes that no application for extension will be made to the Court. All undertakings are accepted.

2. If, by 3.00 p.m. of 31.07.2025, vacant and peaceful possession is not handed over, respondent No.1-bank may take forcible possession of the mortgaged premises.

3. We hereby appoint Mr.Prashanth, Advocate, Cell No.6383044471, having office at No.26R, 2nd Floor, New No.330, Thambu Chetty Street, Parrys, Chennai 600 001 as Advocate Commissioner to take possession. The



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bank shall pay him a retainer fee of Rs.25,000/- (Rupees twenty five thousand only) for this brief even if he does not have to go and take possession on behalf of the bank. If he has to execute this order of evicting petitioners on non-handing over of vacant and peaceful possession by 31.07.2025, the bank shall pay Mr.Prashanth a sum of Rs.50,000/- (Rupees fifty thousand only) per day for taking vacant and peaceful possession from petitioners.

4. The amount of Rs.25,000/- shall be paid to Mr.Prashanth within two weeks.

5. If police protection is required to be taken, Senior Inspector of the concerned police station shall co-operate and depute such number of police personnel as required to ensure there is no breach of law and order.

6. Ms.Chari states that petitioners will file appropriate proceedings against respondent Nos.2 and 3, who are the borrowers, for return of deposit made by petitioners. It is open to petitioners to take such steps as



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advised. We express no opinion.
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7. Petition is disposed of with liberty to the bank to apply if need arises. There shall be no order as to costs. Consequently, the interim applications are closed.

(K.R.SHRIRAM, CJ)

(SUNDER MOHAN, J.)

18.06.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Branch Manager
Indian Overseas Bank
Retail Mart Puraswalkam Branch
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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

(kpl)

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