



W.P.(MD) No.9249 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.9249 of 2025
and
W.M.P.(MD) Nos.6911 & 6912 of 2025

Gopalsamy

... Petitioner

-vs-

1.The Authorized Officer
The Axis Bank Limited
Legal and Support Team
N.D.No.31, O.D.No.14
IInd Floor, South Mada Street
Mayilapur
Chennai-600 004
represented by
its Authorized Officer and Manager
K.Gladson

2.T.K.Vijayakumar
S/o.Thangappan

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D.No.53/7, N.H.Colony
Perumal Puram
Palayamkottai Taluk
Tirunelveli District-627 007
also at
T.K.Vijayakumar
Project Manager
Consolidated Construction
Consortium Limited
Kombukaranatham
Pottaloorani
Chekkarakkudi
Tuticorin-628 104
also at
Plot No.16
Gandhi Nagar
Survey No.165/6
Reddiarpatti Village and Panchayat
Palayamkottai Taluk
Tirunelveli District-627 007

3.Klaiselvi
D/o.Haridas
D.No.53/7, N.H.Colony
Perumal Puram
Palayamkottai Taluk
Tirunelveli District-627 007
Also at
Plot No.16, Gandhi Nagar
Survey No.165/6
Reddiarpatti Village and Panchayat
Palayamkottai Taluk
Tirunelveli District-627 007

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the entire records pertaining to the



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impugned order passed in Crl.M.P.No.15963/2024, dated 05.02.2025, passed by Chief Judicial Magistrate Court, Tirunelveli District and quash the same as illegal and consequently direct the first respondent to consider the petitioner's request under Rule 8(5)(d) of Security (Enforcement) Rule, 2002, within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnu Varthanan

For Respondents : Mr.P.Pethurajesh for R1

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Counsel for petitioner tenders an affidavit of petitioner affirmed on 07th April, 2025, stating that petitioner is not pressing for the relief as sought in the petition, but he is only seeking a reasonable time to vacate the mortgaged premises voluntarily. Though the affidavit says 01st July, 2025, counsel stated that petitioner would vacate the premises on or before 30th April, 2025 and hand over vacant and peaceful possession to the bank. This date was given by petitioner's counsel when the court suggested that if petitioner wants time up to 01st July, 2025, he should pay the bank at least Rs.25,000/- per month towards rent beginning from 01st April, 2025.



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2. Petitioner's undertaking to vacate the mortgaged premises on or before 30th April, 2025, is accepted as an undertaking to this Court. If by 30th April, 2025, the mortgaged premises is not vacated and/or petitioner does not remove his belongings or that of his family members or anyone residing in the premises, the bank may take forcible possession of the mortgaged premises and dispose of the movables, as it deems fit. The Senior Inspector of the local Police Station shall extend all co-operation.

3. The petition is disposed of accordingly. There shall be no order as to costs. Consequently, interim applications stand closed.

[K.R.SHRIRAM., C.J.]

[P.B.BALAJI, J.]

08.04.2025

NCC : Yes / No

Index : Yes / No

krk

To:

The Chief Judicial Magistrate,
Tirunelveli District.

THE HON'BLE CHIEF JUSTICE

and

P.B.BALAJI, J.



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