

Dhanbagiam vs the Branch Manager

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Court : Chennai

Decided On : Jan-21-2026

Judge : Honourable Mr Justice R. Suresh Kumar,Honourable Mr.Justice Shamim Ahmed

Appeal No. : WP/1802/2026

Appellant : Dhanbagiam

Respondent : The Branch Manager

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR and THE HONOURABLE MR.JUSTICE SHAMIM AHMED and W.M.P.No.1883 of 2026

1. R.Dhanabagiam

2. T.R.Prasanth ... Petitioners -Vs-

1. The Branch Manager, Bank of Baroda, (Erstwhile Vijaya Bank), Krishnagiri Branch, No.1, First Cross Street, Co-operative Colony, Krishnagiri - 635 001.
2. M/s.Jayam Mega Mart, Represented by its Managing Partner, 74/B, T5/A, MG Road, Hosur, Krishnagiri District - 635 109.
3. P.M.Jayachitra
4. Gnanasekar Subramanian ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to grant time till 31.07.2026 to hand over the vacant possession of the property at Plot No.12 at Naiyanapalli Village, Krishnagiri Taluk and District, Joint-II, Krishnagiri Sub-Registration District. For Petitioners : Mr.B.Manoharan For Respondents : Mr.R.Sreedhar Standing Counsel for R1

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.) O.A.No.419 of 2020 has been filed by the Bank and a decree was passed by the Debts Recovery Tribunal-II, Chennai, pursuant to which, the Recovery Officer appointed an Advocate Commissioner to take possession of the property in question belonging to the petitioners. Only at that juncture, the present writ petition has been filed after giving the E-mail communication dated 06.01.2026 addressed to the Bank / to the Advocate Commissioner seeking extension of time to vacate the premises till 31.07.2026. In order to consider the same, seeking a mandamus, the present writ petition has been filed.

2. Heard Mr.B.Manoharan, learned counsel appearing for the petitioners and Mr.R.Sreedhar, learned Standing Counsel appearing for the respondent Bank.
3. In respect of the order that is going to be passed in the writ petition, no notice needs to be served on the private respondents.

4. Mr.R.Sreedhar, learned Standing Counsel appearing for the respondent

Bank would submit that, already Advocate Commissioner since has been appointed to take possession and at this juncture, if at all the petitioners want to have some extension of time to find out an alternative accommodation to vacate the premises, that request can be made directly to the Recovery Officer who in turn will consider and pass orders on merits within a time frame that may be stipulated by this Court.

5. Considering the said submission made by the learned Standing Counsel

appearing for the respondent Bank and having regard to the aforestated facts

and circumstances, this Court is inclined to dispose of the writ petition with the following orders:

that it is open to the petitioners to send a copy of the said representation dated 06.01.2026 directly to the Recovery Officer by E-mail as well as by post immediately. The Recovery Officer, on receipt of such request to be made by the petitioners, shall consider the same and pass orders with regard to the plea made by the petitioners for getting extension of time

for vacating the premises in question. Such an order be passed by the Recovery Officer with a period of thirty days from the date of receipt of a copy of the representation dated 06.01.2026 from the petitioners.

6. With these directions, this Writ Petition is disposed of. However, there

shall be no order as to costs. Consequently, connected miscellaneous petition is closed. (R.S.K., J.) (S.S.A., J.) 21.01.2026 (2/2) NCC : Yes / No Index : Yes / No Speaking Order : Yes / No vji Note : Issue order copy by 27.01.2026. To

1. The Branch Manager, Bank of Baroda, (Erstwhile Vijaya Bank), Krishnagiri Branch, No.1, First Cross Street, Co-operative Colony, Krishnagiri - 635 001.

2. The Managing Partner, M/s.Jayam Mega Mart, 74/B, T5/A, MG Road, Hosur, Krishnagiri District - 635 109.

R.SURESH KUMAR, J.

and

SHAMIM AHMED, J.

vji and W.M.P.No.1883 of 2026 21.01.2026 (2/2)

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