

**HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**

**W.P.No.21801 of 2022**

**ORDER:**

The petitioner was running an industrial unit in the property belonging to the persons who had mortgaged the said property to the 3<sup>rd</sup> respondent-Bank. Subsequently, the loan and the mortgage were taken over by the 2<sup>nd</sup> respondent under the provisions of SARFAESI act, 2002 (for short 'the Act').

2. The 2<sup>nd</sup> respondent had initiated proceedings under the Act for recovery of the due from the landlord of the petitioner and had seized the entire industrial unit including the machinery and assets of the petitioner, which were situated within the property which had been seized. Thereafter, the petitioner sought release of the plant and machinery. The petitioner contends that the respondents did not permit the petitioner to take out his plant and machinery. Aggrieved by the said action, the petitioner has approached this Court by way of the present writ petition.

3. This Court, after hearing both sides, had passed an order on 25.07.2022 directing the 2<sup>nd</sup> respondent to give access to the petitioners to the machinery and stock in the godowns by removing the seals and locks on the godowns during the working hours. The petitioners shall be entitled to remove the machinery and stock within a period of two weeks. Thereafter, the time granted was extended on 25.08.2022 by a further period of two weeks.

4. The learned counsel for the petitioner has now stated that the petitioner was able to remove the plant and machinery. However, he contends that certain claims of the petitioner, over the extended roof laid on the godowns, are yet to be decided.

5. Smt. V. Dyumani, learned Standing Counsel for the 2<sup>nd</sup> respondent submits that the petitioner, having taken away his machinery and assets, should be directed to hand over the keys so as to regain control over the godowns.

6. In view of the aforesaid submissions this writ petition is disposed of leaving it open to the petitioner to avail of the remedies elsewhere in regard to the claims over the extended roof. Needless to say, the petitioner shall handover the keys relating to these godowns to the authorised officer of the 2<sup>nd</sup> respondent within two (2) days and in any event, the 2<sup>nd</sup> respondent is entitled to take over the possession of the property forthwith. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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**R. RAGHUNANDAN RAO, J.**

13<sup>th</sup> September, 2022  
Js.

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