



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P.(MD)No.1221 of 2015

and

M.P.(MD)No.1 of 2015

P.Sundararajan

... Petitioner

Vs.

1.The District Collector,  
Madurai District, Madurai.

2.The Chief Manager Cum Authorized Office,  
State Bank of Thiruvangoor,  
Coimbatore.

3.The Branch Manager,  
State Bank of Thiruvangoor,  
West Masi Street Branch,  
Madurai City, Madurai.

4.P.Andavar

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take appropriate action as against the second and third respondents for having proposed to initiate necessary action to evict the petitioner from the premises No.24, Shengulam Road, K.K.Nagar, Thirumangalam, Madurai District in pursuance of the judgment passed in S.A.No.255 of 2012 by the Debts Recovery Tribunal, Madurai dated 15.02.2013 as against the fourth respondent based on the petitioner's representation dated 10.10.2014 made to the first respondent.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.M.Alaguthevan, Spl.G.P. For R1

ORDER

(Order of this Court was made by S.TAMILVANAN,J.)

Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

2.The Writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the District Collector, the first respondent herein, to take appropriate action as against the respondents 2 and 3 herein for having proposed to initiate necessary action to evict the petitioner from the premises No.24, Shengulam Road, K.K.Nagar, Thirumangalam, Madurai District, in pursuance of the judgment dated 15.02.2013 in S.A.No.255 of 2012 passed by the Debts Recovery Tribunal, Madurai as against the fourth respondent based on the petitioner's representation dated 10.10.2014 made to the first respondent.



3.It is not in dispute that the fourth respondent owned the aforesaid property and the State Bank of Thiruvangoor being a secured creditor approached the Debts Recovery Tribunal by filing S.A.No.255 of 2012 and the Debts Recovery Tribunal passed the final order dated 15.02.2013 in S.A.No.255 of 2012. Now the petitioner submits that he has lease hold right for the aforesaid property and therefore, he should not be evicted pursuant to the order passed by the Debts Recovery Tribunal. The claim made by the petitioner is based on a disputed question of fact and that cannot be decided by a Writ Court under Article 226 of the Constitution of India. Further, the petitioner by making certain averments seeking an order to direct the first respondent to take action against the respondents 3 and 4 though is no illegality would be attributed against the aforesaid respondents, for taking action in the manner known to law.

4.Having gone through the averments made in the accompanying affidavit and the supporting documents, we are of the view that the Writ petition is not legally maintainable and hence, the Writ petition is liable to be dismissed. However, it is open to the petitioner to approach the appropriate Civil Court seeking his remedy if he is so advised, according to law.

5.In the result, the Writ petition is dismissed. No costs. Consequently, connected M.P.is closed.

Sd/-  
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,  
Madurai District, Madurai.

2.The Chief Manager Cum Authorized Office,  
State Bank of Thiruvangoor,  
Coimbatore.

3.The Branch Manager,  
State Bank of Thiruvangoor,  
West Masi Street Branch,  
Madurai City, Madurai.

+1cc to Mr.K.KANNAN,ADVOCATE SR NO.4745

W.P. (MD)No.1221 of 2015  
03.02.2015

RG.12.02.2015 2P/5C