



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.17410 of 2015

and

MP (MD) No.1 & 2 of 2015

A.Ramamoorthy

... Petitioner

Vs.

1.The Authorized Officer,
UCO Bank,
K.K.Nagar Branch,
Plot No.651, Eighty Feet Road,
K.K.Nagar,
Madurai 625 020.

2.The Chief Judicial Magistrate,
Madurai District Court,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings in CrI.M.P.No.486 of 2010 dated 05.05.2010 passed by the 2nd Respondent and quash the same and consequently direct the 1st respondent not to take possession of the property or auction of the petitioners property by way of e-auction sale dated 25.09.2015 of the petitioners property bearing T.S.No.1680 Plot No.9 the western part of house construction of three floors measuring of 1690 sq. ft. situated in Ward No.10 Corporation Ward No.18 Bibikulam village.

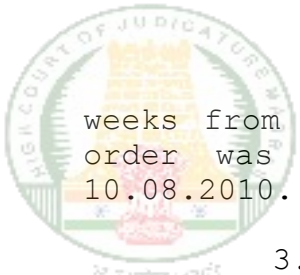
For Petitioner

: Mr.K.B.Karthikeyan

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

The petitioner along with others borrowed a sum of Rs.40 lakhs from the respondent bank. Since they did not repay the said amount, the respondent bank initiated proceedings under SARFAESI, Act, 2002 by issuing 13(2) notice. The respondent bank has also filed an application before the Chief Judicial Magistrate, the second respondent herein n CrI.M.P.No.486 of 2010 for taking possession and the said application was allowed by order dated 05.05.2010. The petitioner challenged the said order by filing W.P.(MD)No.7132 of 2010 contending that the second respondent has no authority for taking possession under SARFAESI Act, 2002.



weeks from the date of receipt of a copy of the order. Since the said order was not complied with, the writ petition was dismissed on 10.08.2010.

3. For the very same relief, the petitioner filed W.P.(MD) No.15714 of 2015 before this Court and this Court by an order dated 11.09.2015 dismissed the said writ petition.

4. The present writ petition has also been filed by the petitioner for the very same relief. Hence, the writ petition is not maintainable. The writ petition is dismissed accordingly. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

sms

To

1. The Chief Judicial Magistrate,
Madurai District Court, Madurai.

2. The Authorized Officer, UCO Bank,
K.K.Nagar Branch, Plot No.651, Eighty Feet Road,
K.K.Nagar, Madurai 625 020.

Writ Petition (MD) No.17410 of 2015
28.09.2015

CSL/GSV-PM/29.10.2015
2P/3C