

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.3425 of 2016 and W.M.P. No.2800 of 2016

V. Nandakumar

Petitioner

Vs.

- 1 The District Collector
Coimbatore District
Coimbatore
- 2 The Tahsildar
Coimbatore South Taluk Office
Coimbatore
- 3 The Authorised Officer
State Bank of India
No.1112, Raja Plaza
Avinashi Road
Coimbatore 641 037
- 4 Pon Murugan Dhall Mills
represented by Partners V. Chandrasekaran
No.833, Range Gounder Street
Coimbatore 641 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from disturbing the petitioner's peaceful possession and enjoyment of his 1/4th undivided share/interest in the property in Door No.503 to 505, Vaishyal Street, Coimbatore Taluk, Coimbatore Town.

For petitioner Mr. M. Selvam

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of mandamus forbearing the respondents from disturbing the petitioner's peaceful possession and enjoyment of his 1/4 undivided share/interest in the property in Door No.503 to 505, Vaishyal

Street, Coimbatore Taluk, Coimbatore Town.

2 The petitioner's grievance is that the second respondent, viz., the Tahsildar, Coimbatore South Taluk Office, was directed by the first respondent, viz., the District Magistrate and District Collector, Coimbatore, vide order dated 31 December 2015 passed in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to prepare a Panchanama to the scheduled property, as stated in the said order and hand over physical possession of the same to the third respondent, viz., the Authorised Officer, State Bank of India.

3 According to the learned counsel for the petitioner, the second respondent is attempting to take the entire property instead of a portion of the property, which is scheduled in the aforesaid order passed by the first respondent.

4 We are afraid that there is no material to substantiate the aforesaid ground urged by the learned counsel for the petitioner. Rather, seemingly, the petitioner has preferred this writ petition only based on sheer apprehension. Thus, we are not disposed to grant the relief sought by the petitioner, at this stage. However, we make it clear that the second respondent, while proceeding with the implementation of the first respondent's order, shall confine only to the property scheduled in the order passed by the first respondent and not beyond the scheduled property.

The writ petition stands disposed of with the aforesaid observation. Costs made easy. Connected W.M.P. is closed.

-s/d-

Assistant Registrar (CSIV)

True Copy

Sub-Assistant Registrar

cad
To

1 The District Collector
Coimbatore District, Coimbatore

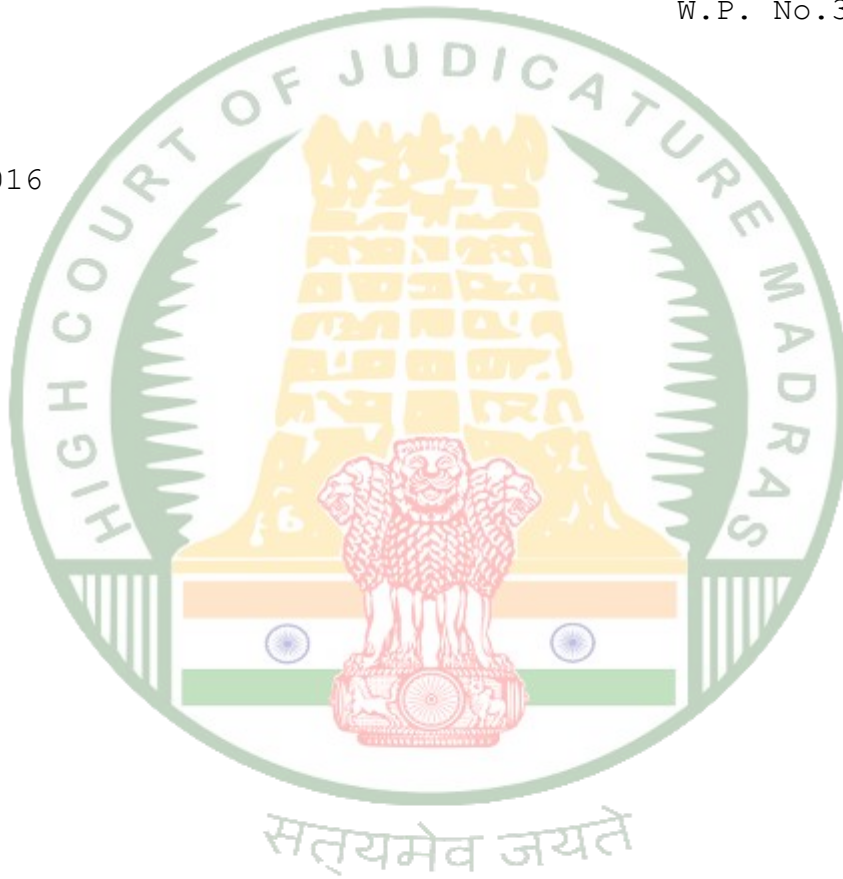
2 The Tahsildar
Coimbatore South Taluk Office, Coimbatore

3 The Authorised Officer
State Bank of India
No.1112, Raja Plaza
Avinashi Road
Coimbatore 641 037

+1 cc to Mr.M.Selvam Advocate sr.6209
+1 cc to Government pleader sr.6523

W.P. No.3425 of 2016

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