



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.15390 of 2015
& M.P. (MD) Nos.1 to 3 of 2015

M/s.Santhosh Real Estates,
Rep. by Mr.S.Rajakumar,
S/o.M.Shanmugha Sundaram,
Door No.2, 3rd Floor,
Lion Arcade,
No.1A, Madurai Road,
Tirunelveli and Residing at 113, Jawahar Nagar,
NGO 'B' Colony,
Tirunelveli. ... Petitioner

Vs.

- 1.The District Collector & District Magistrate,
Tirunelveli Collectorate,
Palayamkottai Taluk,
Tirunelveli - 627 009.
- 2.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.
- 3.Mr.Somasundaram, S/o.Vadivel Murugan
- 4.The Authorized Officer,
Sundaram BNP Paribas Home Finance Limited,
Sundaram Towers, 4th Floor,
No.46, Whites Road,
Chennai - 600 014. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings, in ROC.No.D4/41481/2013, dated 05.02.2014, passed by the first respondent and quash the same.

For Petitioner : Mr.S.R.A.Ramachandran

For R1 & R2

: Mr.V.Muruganantham
Additional Government Pleader

**ORDER**

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

This Writ Petition has been filed by a person claiming to be a lessee of the property under the third respondent, who has availed loan from the fourth respondent and defaulted in repayment. Therefore, the fourth respondent Finance Company has initiated action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as 'the SARFAESI Act'] and recover the possession of the property, has moved the District Magistrate under Section 14 of the SARFAESI Act.

2.An order has been passed by the first respondent on 05.02.2014. Though the said order was challenged by the petitioner by filing this Writ Petition, which was presented on 25.08.2015, on earlier two occasions, when the matter was heard by the Division Bench of this Court, an adjournment was sought for. Even today, a request for adjournment was made. Considering the passage of time, this Court is not inclined to entertain the Writ Petition, which even, at the first instance, belatedly filed. Furthermore, notice was not even ordered to the respondents. Thus, we close this Writ Petition and it is left open to the petitioner to work out their remedy under the SARFAESI Act. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The District Collector & District Magistrate,
Tirunelveli Collectorate,
Palayamkottai Taluk,
Tirunelveli - 627 009.

2.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

Smn2

AE/MMS/04.05.2017/2P/3C