



WEB COPY

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.1782 of 2015
and M.P.Nos.1 to 4 of 2015

G.Maruthi

.. Petitioner

Vs.

1. The District Collector
Collectorate, Tirunelveli.
2. The District Revenue Officer cum
Registration Officer,
Collectorate, Tirunelveli
3. The Special Deputy Collector,
Revenue Court, Madurai.
4. The Tahsildar cum Registration Officer,
Collectorate, Registration Officer,
Collectorate.
5. The Authorized Officer (SARFEASI)
Indian Bank, Tirunelveli Junction Branch,
Tirunelveli
6. L.Punithvathi
7. N.Kuttralingam

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proposed auction notification dated 12.01.2015, issued by the 5th respondent Bank through paper publication in Daily Thanthi dated 12.01.2015 and quash the same and consequently forbear the 5th respondent through his men or his agent or is servants from in any way disturbing the petitioner's peaceful possession and enjoyment of the property situated at Sindhupponduhurai Village, Tirunelveli Taluk measuring 34 cents located at S.No.1270/14 and 25 cents located at S.No.1270/6 (totally 59 cents).

For Petitioner : No Appearance

For Respondents : Mr.S.Chandrasekar

Government Advocate for RR1 to 4

For R5 : R.Pandivel

For R6&R7 : No Appearance

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

The petitioner, who is claiming herself to be the tenant of the property in question, has filed this writ petition challenging the sale notice issued by the respondent Bank.

2. At the time when the writ petition was entertained, only notice was ordered on 12.02.2015 and no interim order has been granted.

3. The learned counsel for the respondents 1 to 4 submitted that the sale notice has been challenged by the borrower before the Debt Recovery Tribunal and a condition was imposed on the borrower. However, she has failed to even comply with the condition. Therefore, at this distance of time, we are not inclined to interfere with the impugned sale notice, as admittedly, the date of sale has already been over. It is represented by the learned counsel for the respondents that there were no bidders on the said date, while the sale was effected. In the light of the same, this petition is dismissed with liberty to the petitioner to work out his remedy before the appropriate forum. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector
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Collectorate, Tirunelveli
3. The Special Deputy Collector,
Revenue Court, Madurai.
4. The Tahsildar cum Registration Officer,
Collectorate, Registration Officer,
Collectorate.

+ 1 CC TO Mr.R.PANDIVEL, ADVOCATE IN SR No. 51306
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51498

RR

TE/RR : 20/04/2017 : 2P/7C