



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12756 of 2017

and

W.M.P. (MD) No.9866 of 2017

Dr.T.Elangovan,
Chairman,
M/s.Abi & Abi Hospitals
Thanjavur.

: Petitioner

Vs.

1. The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.
2. The Superintendent of Police,
Thanjavur District,
Thanjavur.
3. The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.
4. The Deputy Superintendent of Police,
Thanjavur Town,
Thanjavur District.
5. The Tahsildar,
Thanjavur,
Thanjavur District.
6. The Inspector of Police,
Thanjavur West Police Station,
Thanjavur Palace Ground,
Thanjavur District.
7. The Authorized Officer,
Indian Bank,
Thanjavur Junction Branch,
Ground Floor, 1087,
Mission Street,
Thanjavur - 613 001.



8. Tmt.G.Anusuya

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fifth respondent to take over the physical possession of the property immediately situated by name M/s.M.V.K.Nursing Home, No.2721, South Rampart, Opp. Thillagar Thidal, Thanjavur - 613 001 along with the help of police aid pursuant to the order of the respondents 1 and 3 passed through in their proceedings in R.C.No.15486/2017/C1, dated 22.06.2017 and R.C.No.4306/2017/A3, dated 28.06.2017 respectively.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents 1to6 : Mr.M.Govindan,
Special Government Pleader

For Respondent No.7 : Mr.A.Thiyagarajan

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition to direct the fifth respondent to take possession of the property by name M/s.M.V.K.Nursing Home, No.2721, South Rampart, Opp. Thillagar Thidal, Thanjavur, with the police assistance, pursuant to the orders passed by the District Collector and District Magistrate, dated 22 June, 2017 and the Revenue Divisional Officer, Thanjavur, dated 28 June, 2017.

2. The order dated 28 June, 2017 was passed by the Revenue Divisional Officer, Thanjavur, at the instance of the Indian Bank, Thanjavur. It was a petition filed under Section 14 of the SARFAESI Act. The petitioner, who is stated to be the auction purchaser, filed this Writ Petition to direct the Tahsildar to hand over possession to him with the police assistance. The petitioner was not a party to the proceedings before the Revenue Divisional Officer, Thanjavur. There is no question of issuing a direction to the Tahsildar at the instance of a third party to the proceedings. It is always open to the bank to approach the concerned respondents with appropriate relief. We are also informed that the proceedings were taken by the eighth respondent challenging the auction proceedings initiated by the bank. In any case, it is for the bank to approach the appropriate authority for relief, taking into account the order passed by the Revenue Divisional Officer dated 28 June, 2017, in case the said order has become final.



3. In the result, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.
 2. The Superintendent of Police,
Thanjavur District,
Thanjavur.
 3. The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.
 4. The Deputy Superintendent of Police,
Thanjavur Town,
Thanjavur District.
 5. The Tahsildar,
Thanjavur,
Thanjavur District.
 6. The Inspector of Police,
Thanjavur West Police Station,
Thanjavur Palace Ground,
Thanjavur District.
- + 1 CC TO Mr.A.RAJESH KHANNA, ADVOCATE IN SR No. 67830
+ 1 CC TO Mr.PALA RAMASAMY, ADVOCATE IN SR No. 68430

ARUL/SML

TE/MR-KKR/SAR-II : 10/10/2017 : 3P/9C

Order made in
W.P. (MD) No. 12756 of 2017 and
W.M.P. (MD) No. 9866 of 2017
Dated: 26.07.2017