



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2017

CORAM:

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

WP.(MD) No.1389 of 2017
and
WP.M.P.(MD) No.1355 of 2017

C.Chandran

... Petitioner

-vs-

The District Collector / District Magistrate,
Office of the District Collectorate,
Trichy,
Trichy District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to direct the respondent to dispose of the petitioner's representation dated 21.11.2016 in the light of the judgment reported in **2014(6) SCC P.1** to withdraw the order passed by the respondent on 18.11.2014.

For Petitioner : Mr.D.Selvanayagam
For Respondent : Mr.V.R.Shanmuganathan,
Special Government Pleader.

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.D.Selvanayagam, learned counsel appearing for the writ petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader, appearing for the respondent.

2. The petitioner claims himself to be in possession of the property in question, pursuant to the mortgage deed dated 25.03.2010. The petitioner has filed this writ petition, praying for issuing a writ of mandamus, to direct the respondent to dispose of his representation dated 21.11.2016 and withdraw the order passed by the respondent dated 18.11.2014. The prayer sought in the writ petition though appears to be innocuous, what the petitioner indirectly seeks for is to set aside the order passed under section 14 of SARFAESI Act,, which was passed way back in November 2014. It is not known as to what the petitioner has done from November 2014 till date. The borrower has not been impleaded as party



respondent in this writ petition.

3.The learned counsel for the petitioner after elaborately referring to the facts of the case, relied on the decision of the Hon'ble Supreme Court in the case in Harshad Govardhan Sondagar vs International Assets Reconstruction Company Limited and Others reported in (2014) 6 SCC 1 , more particularly the observation contained in para 37.3. Admittedly, in the instant case, the District Magistrate has passed an order under Section 14 of the SARFAESI Act, which has not been challenged by either the petitioner in this writ petition or by the borrower earlier. Therefore, at this distance of time, this Court cannot issue a direction to the respondent to consider the petitioner's representation, not knowing as to what transpired after 2014. Thus, no relief can be granted to the petitioner.

4.Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

The District Collector / District Magistrate,
Office of the District Collectorate,
Trichy, Trichy District.

+ 1 CC TO Mr.D.SELVANAYAGAM, ADVOCATE IN SR No. 17984

ARUL/SKM

TE/SV-MMS/SAR-IV : 12/04/2017 : 2P/3C

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