



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

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

W.P (MD) No.14995 of 2017
and
W.M.P. (MD) .No.11832 of 2017

V.Ramanathan

.. Petitioner

Vs.

1.The District Collector cum
District Magistrate,
Namakkal District,
Namakkal.

2.The Authorized Officer/
General Manager,
Indian Oversease Bank,
D.No.56 & 57,
Thenppakkulam Street,
Tiruchengode,
Namakkal District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent from evicting the petitioner's from his mortgaged properties in R.S.No.72/1 as per UDR Survey No.72/1A, Kurinji residency East Anna Nagar, Ring Road, Vandiyar 1st Bit Village, Madurai North Taluk, Madurai and S.F.No.60/1 Plot No.4 to 8, 3416 sq.ft., residential building, Tiruchencode Taluk, Kadachannalur Village and consequently directing the learned Debt Recovery Tribunal, Madurai to dispose the petitioner's redemption petition in I.A.No.714 of 2017 in O.A.No.1172 of 2015 within time stipulated by this Court.

For petitioner : Mr.J.John

For R1 : Mr.M.Govindan
Special Government Pleader

For R2 :Mr.R.Pandivel
Standing Counsel for IOB

ORDER

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

The petitioner filed this writ petition to forbear the first respondent from taking possession of the secured assets.

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2.The proceedings initiated by the second respondent for taking possession of the secured assets is now pending on the file of the first respondent. The petitioner must be under the impression that the District Collector, Namakkal, would direct taking possession of the secured assets before issuing notice to him. In fact the District Collector, Namakkal, appears to have issued notice to the petitioner and thereafter only, the present writ petition has been filed.

3.We are informed that there was no enquiry on 11.08.2017 and a fresh date of enquiry would be fixed by the District Collector, Namakkal.

4.We direct the District Collector, Namakkal, to fix the date of enquiry and inform the petitioner so as to enable him to submit his response. The petitioner should be given minimum two weeks clear notice for enquiry to be conducted by the District Collector, Namakkal. The question of taking possession of the secured assets would depend upon the orders to be passed on merits by the concerned authority after hearing.

5.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To
The District Collector cum District Magistrate,
Namakkal District, Namakkal.

+1CC to Mr.J.John, Advocate, SR.No.72879
+1CC to Mr.R.Pandivel, Advocate, SR.No.72781
+1CC to the Special Government Pleader SR.No. 72943

ORDER MADE IN
W.P (MD) No.14995 of 2017

and
W.M.P. (MD) .No.11832 of 2017
16.08.2017