



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

CORAM:

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

W.P.(MD) No.3415 of 2017
and
W.M.P.(MD) No.2797 of 2017

J.Kanaga Sundar Raj

... Petitioner

-vs-

1.The Authorized Officer
Repco Home Finance Limited
Corporate Office
3rd Floor, Alexander Square
New No.2 (Old No.34 & 35)
Sardar Patel Road, Guindy
Chennai-600 032

2.Repco Home Finance Limited
rep.by its Branch Manager
Tirunelveli Branch
Hotel Sakunthala International
D.No.5C/3, Trivandrum Road
Vannarpettai, Tirunelveli-627 003

3.The District Magistrate and
District Collector
Tirunelveli District, Tirunelveli ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents to remove the seal of the dwelling house of the petitioner bearing D.No.3, St.Mathew Street, Koripallam, Palayamkottai, situated in Palayamkottai Taluk, Vijayaragava Mudaliar Chatram Village, admeasuring 2580 sq.ft., and deliver possession of the same to the petitioner on a strict condition stipulated by this Court for time bound remittance of the outstanding dues by the petitioner to the respondent Bank.

For Petitioner : Mr.Y.Prakash

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.B.Rajesh Saravanan for R2
Mr.S.Chandrasekar



Government Advocate for R3

O R D E R

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

Heard Mr.Y.Prakash, learned counsel appearing for the writ petitioner, Mr.B.Rajesh Saravanan, learned counsel appearing for the second respondent - Bank and Mr.S.Chandrasekar, learned Government Advocate appearing for the third respondent / District Magistrate and District Collector, Tirunelveli District and perused the materials produced.

2. In this writ petition, the writ petitioner seeks for re-delivery of possession of a house property, which has been taken over by the first respondent - Bank pursuant to the action initiated under SARFAESI Act in the capacity of secured creditors.

3. Admittedly, the property in question is in possession of the first respondent - Bank. Furthermore, the writ petitioner has already approached the Debts Recovery Tribunal at Madurai, by filing S.A.No.69 of 2016, and the matter is pending before the Debts Recovery Tribunal. In such circumstances, the relief sought for by the writ petitioner cannot be granted at this stage and the writ petition is, therefore, liable to be dismissed.

4. In the result, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To:

The District Magistrate and District Collector,
Tirunelveli District, Tirunelveli.

+1cc to M/S.B.RAJESH SARAVANAN, Advocate SR.No.15345

+1cc to Special Government Pleader, SR.No.15586

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and

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