



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

CORAM:

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

W.P. (MD) No.3672 of 2017
and
W.M.P. (MD) No.2949 of 2017

Jeyasingh

... Petitioner

-vs-

- 1.The District Collector
Tirunelveli District, Tirunelveli
- 2.The Revenue Divisional Officer
Tirunelveli Division, Tirunelveli
- 3.The Authorised Officer
Indian Bank
Tirunelveli Town Branch
Tirunelveli District

4.Arumuga Pandian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned notice of the second respondent, dated 23.02.2017, and to quash the same.

For Petitioner : Mr.D.Selvanayagam
for Mr.Ahmad Associates

For Respondents : Mr.V.Muruganantham
Addl. Govt. Pleader for R1 & R2
Mr.K.R.Lakshmanan for R3

O R D E R

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

This writ petition has been filed challenging the notice issued by the second respondent, dated 23.02.2017, which is stated to be affixed in the petitioner's house property stating that he is in default in repayment of the loan availed by him from the third respondent / Indian Bank, Tirunelveli Town Branch and he will be



evicted from the premises pursuant to the order, dated 27.12.2016, passed by the first respondent / District Collector, Tirunelveli District.

2. It is pertinent to mention that the said order, dated 23.02.2017, has been passed under Section 14 of SARFAESI Act. The petitioner has already moved the Debt Recovery Appellate Tribunal, Chennai, as against the auction proceedings initiated by the third respondent - Bank, under SARFAESI Act, in A.I.R.No.278 of 2016.

3. The learned counsel for the petitioner submitted that the Tribunal heard the waiver application on 14.03.2017 and passed an interim order subject to certain conditions and the petitioner is granted time to effect the deposit for being entitled for waiver.

4. In the light of the subsequent development, the impugned proceedings of the second respondent, dated 23.02.2017, shall be kept in abeyance and it shall not be implemented by the second respondent and the parties shall abide by the orders that may be passed by the Debt Recovery Appellate Tribunal, Chennai and the consequential orders of the first respondent / District Collector, Tirunelveli District.

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

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The presiding Officer,
Debt Recovery Appellate Tribunal, Chennai.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli.

+1 cc to Special Government Pleader, SR NO.15118

+1 cc to M/s.Ahamed Associates Sr No.14957

krk

MAS/SV-MMS:23.03.2017:2P-6C

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and

W.M.P. (MD) No.2949 of 2017
15.03.2017