

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.23309 of 2018

K.Mohan

.. Petitioner

-vs-

1.The Indian Bank

Rep. by The Manager,
Gummudipoondi Branch,
Old No.98, New No.235, G.N.T.Road,
Gummudipoondi, Thiruvallur District.

2.The Authorized Officer,

Indian Bank, Gummudipoondi Branch,
Old No.98, New No.235, G.N.T.Road,
Gummudipoondi, Thiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from taking over the property of petitioner's wife Agricultural land and building situated in Punjai Survey No.12/1A, 0.68 cent at No.46, Sirupuzhalpettai side, 1 Village, gummudipoondi Taluk, Sub Registrar Office of Gummudipoondi, North Chennai, inasmuch as this property is not mortgaged before the respondents.

For Petitioner : Mr.J.Arockia Selvaraj

For Respondents : Mr.Jayesh B. Dolia
for M/s.Aiyar & Dolia

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the respondents-bank from taking over the property of petitioner's wife, Agricultural land and building situated in Punjai Survey No.12/1A, 0.68 cent at No.46, Sirupuzhalpettai side, 1 Village, Gummudipoondi Taluk, inasmuch as this property is not mortgaged before the respondents-bank.

2.It is pertinent to note that the petitioner, who is the husband of one Mrs.Mallika, has filed the above writ petition to issue a writ of mandamus forbearing the respondents-bank from taking any action against his wife's property. It is the case of the petitioner that the petitioner had mortgaged some other property with the first respondent-bank, however, the respondents-bank had initiated action against the property in question. It is to be noted that the petitioner's wife has neither filed the writ petition nor has given any representation to the first respondent-bank to consider her grievances. When the actual person aggrieved is the petitioner's wife, namely, Mrs.Mallika, she should have filed the writ petition, instead the petitioner has filed the present writ petition.

3.In these circumstances, we are not inclined to entertain the present writ petition filed by the petitioner. Accordingly, the writ petition is dismissed. It is open to the petitioner's wife, namely, Mrs.Mallika, to give appropriate representation to the first respondent-bank and if aggrieved over the decision of the first respondent-bank, it is open to her to challenge the same in accordance with law. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

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Sub Assistant Registrar

sra

To

1.The Manager,
The Indian Bank
Gummudipoondi Branch,
Old No.98, New No.235, G.N.T.Road,
Gummudipoondi, Thiruvallur District.

2.The Authorized Officer,
Indian Bank, Gummudipoondi Branch,
Old No.98, New No.235, G.N.T.Road,
Gummudipoondi, Thiruvallur District.

+lcc to M/S.Aiyar & Dolia, Advocate Sr.62240

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srg 20/09/2018



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