

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14/6/2018
C O R A M
THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.12800 of 2018

Tmt.V.Jayanthi ... Petitioner

Vs

1. The Tahsildar
Valasaravakkam Taluk
Chennai 600 087.
2. The Branch Manager
State Bank of India
MMDA Colony Branch
J-138 First Floor
Vinayagapuram Main Road
Arumbakkam
Chennai 600 106.
3. Thiru.S.Sathish Kumar ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus to forbear the respondents 1 and 2 from taking delivery of possession of petitioner family running in house property situated at No.1/4 Pillaiyar Koil Street, Sheik Manniam, Porur, Chennai 600 116.

For petitioner ... Mr.R.Anandha Babu

For respondents... Mr.Manikandan
Government Advocate
for R.1

Ms.S.R.Sumathi
for R.2.

O R D E R

(Order of the Court was made by S.MANIKUMAR,J

Instant writ petition has been filed for a mandamus, restraining the respondents 1 and 2 from taking delivery of possession of petitioner family running in house property situated at No.1/4 Pillaiyar Koil Street, Sheik Manniam, Porur, Chennai 600 116. Such a prayer is not maintainable, under Section 14 of the SARFAESI Act, 2002. Section 14 of the SARFAESI Act, 2002, deals with Chief Metropolitan Magistrate or District Magistrate to assist secured creditor in taking

possession of secured asset.

2. Even taking for granted that the petitioner has a leasehold right in the secured assets/mortgaged property, mandamus cannot be issued, restraining the official respondents from exercising their statutory functions, under Section 14 of the SARFAESI Act, 2002. Added further, in the case on hand, the petitioner has sought for a mandamus against the Tahsildar/first respondent, who is not a necessary party.

3. In view of the above, writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

mvs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar
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Chennai 600 087.
2. The Branch Manager
State Bank of India
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J-138 First Floor
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Arumbakkam
Chennai 600 106.

+1cc to Government Pleader Sr.No.37952
+1cc to M/s.S.R.Sumathy, Advocate Sr.No.37417
+1cc to Mr.R.Anandah Babu, Advocate Sr.No.37312

sm:27.6.2018

W.P.No.12800 of 2018

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