



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.10830 of 2018

and

W.M.P. (MD) Nos.9955 & 9956 of 2018

M.Najima Begum

: Petitioner

Vs.

1.The Authorized Officer,
Tamil Nadu Mercantile Bank Ltd.,
Chinthamani Branch,
D.No.248B, Reka Towers,
Kamarajar Salai,
Madurai 625 001.

2.The District Collector,
Office of the District Collector,
Madurai District.

3.The Tahsildar,
Madurai West Taluk,
Madurai.

4.M.Udhayarajan

5.R.Hemalatha

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the auction sale of the property bearing Door No.127(old), 28(later), 28A(New), South Veli Street, Near Sappani Koil Bus Stop, Madurai by the first respondent as evidenced by the Sale Certificate dated 25.01.2018, Certificate of Sale Deed dated 27.03.2008 registered as Document No.3287 of 2018 in the office of Joint 4, Sub-Registrar, Palanganatham, Madurai and quash the same and directing the respondents 1, 4 and 5 to cancel the Document No.3287 of 2018 in the office of Joint 4, Sub-Registrar, Palanganatham, Madurai and restore possession of the said property to the petitioner.

For Petitioner : Mr.S.Malaikani

For Respondent -1 : Mr.N.Dilip Kumar

For Respondents 2 & 3 : Mr.D.Muruganantham

Additional Government Pleader



O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

This Writ Petition has been filed to call for the records relating to the auction sale of the property bearing Door No.127 (old), 28(later), 28A(New), South Veli Street, Near Sappani Koil Bus Stop, Madurai by the first respondent as evidenced by the Sale Certificate dated 25.01.2018, Certificate of Sale Deed dated 27.03.2008 registered as Document No.3287 of 2018 in the office of Joint 4, Sub-Registrar, Palanganatham, Madurai and quash the same and directing the respondents 1, 4 and 5 to cancel the Document No.3287 of 2018 in the office of Joint 4, Sub-Registrar, Palanganatham, Madurai and restore possession of the said property to the petitioner.

2.The petitioner had earlier moved this Court by filing W.P (MD).No.13406 of 2017, questioning the action taken by the Tamilnad Mercantile Bank Limited under SARFASI Act. This Court restrained the Bank from proceeding further and gave time to the petitioner. The petitioner did not avail the opportunity. Therefore, sale was conducted, it was confirmed, a sale deed has been executed and a third party right has been created.

3.This Court while disposing the writ petition earlier specifically observed that it would be open to the writ petitioner to work out her remedy before the appropriate forum. Therefore, it is not open to the petitioner to come again before this Court.

4.In view of the above, giving liberty to the petitioner to move the Debt Recovery Tribunal, the Writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/

Vacation Officer(RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Tahsildar,
Madurai Taluk,
Madurai.



+1cc to M/s.Special Government Pleader,SR.No. 65345
+1cc to Mr.N.DILIP KUMAR, Advocate, SR.No. 65347
+1cc to Mr.S.MALAIKANI, Advocate, SR.No. 65227

WEB COPY

W.P.[MD].No.10830 of 2018
and
W.M.P.(MD)Nos.9955 & 9956 of 2018
10.05.2018

MSA
KK/SV MMS/SAR-3/16.05.2018/3P-6C