

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.29450 of 2019
and
W.M.P.No.29286 of 2019

B.Mohan alias Mohanasundaram

Petitioner

Versus

1. The District Collector,
O/o. the District Collector,
Tirupur District.
2. R.Annadurai
3. M.S.Subramaniam
4. The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Ammapalayam Branch, Tirupur.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 1 and 4, their men, agents, servants or any other person acting through them from in any manner dispossessing me from the Leased property at the land and building comprised in S.F.No.467/3 having a total extent of 78 cents in which western side having an extent of 34 cents in Veerapandi Village, Tirupur, covered under Patta No.921, Building Tax Asst. No.5200084 Electricity Connection No.215-002-2781, Water Connection No.52003801, and having postal address at 1/894-A, Mookambikai Nagar, Pazhavanjipalayam, Veerapandi Village, Tirupur without hearing and considering my objection letter dated 9.7.2019 in the light of the judgment in VISHAL N.KALSARIYA v. BANK OF INDIA AND OTHERS, reported in CDJ 2016 SC 048.

For petitioner : Mr.R.Selvakumar

For R1 : Mr.V.Jayaprakash Narayanan,
Government Pleader

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, ACJ.)

The Petitioner is a lessee/tenant in the demised premises, the owner of which is sought to be proceeded under the SARFAESI Act. As per the amended provisions of Section 17(4A) of the Act, the Petitioner has remedy before the Debts Recovery Appellate Tribunal. In view of the same, the Writ Petition is dismissed with liberty to the Petitioner to approach the Debts Recovery Appellate Tribunal in the matter. No costs. The connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The District Collector,
O/o. the District Collector,
Tirupur District.
2. The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Ammapalayam Branch, Tirupur.

+1cc to Mr.R.Selvakumar, Advocate SR.86456

W.P.No.29450 of 2019

SAI (CO)
CB(22/11/2019)

सत्यमेव जयते

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