



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) NO.11947 OF 2019

and

W.M.P (MD) No.9033 of 2019

S.V.Velraj

:Petitioner

.vs.

1.The District Collector,  
Thoothukudi District.

2.The Sub-Collector,  
Thoothukudi District.

3.The Authorized Officer,  
Syndicate Bank,  
Claret Plaza,  
Melakkal Main Road,  
Kochadai,  
Madurai - 16.

4.The Branch Manager,  
Syndicate Bank,  
Thoothukudi Branch,  
376, WGC Road,  
Thoothukudi District - 628 001.

4.Dr.Madhan

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the impugned order in Na.Ka.No.A1/817/2019, dated 09.05.2019, on the file of the second respondent and to quash the same.

For Petitioner

:Mr.G.Prabhu Rajadurai

For Respondents  
1 and 2

:Mr.M.Karuppasamy  
Government Advocate

For Respondents  
3 and 4

:Mr.R.Pandivel



**O R D E R**  
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[Order of the Court was made by **K.RAVICHANDRABAABU., J.**]

This Writ Petition is filed challenging the proceedings, dated 9.5.2019, wherein and whereby, the Petitioner was called upon to hand-over the possession of the subject-matter property in pursuant to the initiation of recovery proceedings under SARFAESI Act.

2. When this matter was posted for admission on 14.05.2019, this Court directed the Petitioner to serve papers on the respondents by posting the matter on the very next day. Accordingly, the matter was listed on 15.05.2019, on which day, it was reported before this Court that the Petitioner has already addressed a letter, dated 5.2.2019 to the Manager, Syndicate Bank, Tuticorin, agreeing to hand-over the possession of the subject matter property which was given to the Bank as security. By taking note of the above said conduct of the Petitioner, this Court vacated the stay granted on 14.5.2019 and posted the main Writ Petition itself for final disposal on 3.6.2019. When the matter is taken up yesterday, the learned counsel for the Petitioner wanted to verify as to whether the Petitioner has handed over the possession of the subject-matter property in pursuant to the impugned notice. Accordingly, this matter is adjourned for further hearing today.

3. The learned counsel for the Petitioner today informed that the possession of the subject-matter property was already handed over to the fifth respondent/auction purchaser, however, without prejudice to the right of the Petitioner to agitate the matter before the forum where SARFAESI proceedings are pending. Since the Petitioner has already handed over the possession of the subject-matter property and the very requirement of impugned order in this Writ Petition calling upon the Petitioner to hand-over the possession of the subject matter property has already been complied with, We find nothing survives to be adjudicated further in this Writ Petition.

4. Accordingly, without expressing any view on the merits of the contentions raised by the parties with regard to the claim made against the Petitioner, this Writ Petition is dismissed as infructuous, however, by granting liberty to agitate the matter before the forum where the SARFAESI proceedings are pending. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (Writs)

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To

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+1 CC to Mr.G.PRABHU RAJADURAI, Advocate SR-67091.

+1 CC to Mr.C.GANGAI AMARAN, Advocate SR-67478.

+1 CC to Mr.R.PANDIVEL, Advocate SR-66763.

+1 CC to SPL GP SR-67048.

**ORDER MADE IN**  
**W.P (MD) NO.11947 OF 2019**  
**and**  
**W.M.P (MD) No.9033 of 2019**  
**04.06.2019**

CS: (12/06/2019) 3P C