



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
and  
**THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P (MD)No.19881 of 2019**  
and  
**W.M.P. (MD)Nos.16387 and 16388 of 2019**

A.Maheswari

.. Petitioner

Vs.

1. The District Collector,  
Tuticorin District, Tuticorin.

2. The Sub-Collector,  
Revenue Administration,  
Disaster Management and Disaster reduction department,  
Tuticorin, Tuticorin District.

3. The Branch Manager,  
City Union Bank,  
No.52, East Car Street,  
Tuticorin-1.

.. Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order issued by the second respondent in his proceedings in Na.Ka.Aah1/2071/2019 dated 27.08.2019 and quash the same and insofar as the schedule No.III is concern.

|                |                                        |
|----------------|----------------------------------------|
| For Petitioner | : Mr.V.Sasikumar                       |
| For R1 and R2  | : Mr.S.Angappan<br>Government Advocate |
| For R3         | : Mr.K.Muralidharan                    |

**ORDER**

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Sasikumar, learned counsel for the petitioner,  
Mr.S.Angappan, learned Government Advocate, for the official  
<https://hcservices.ecourts.gov.in/hcservices/>



respondents and Mr.K.Muralidharan, learned counsel for the third respondent. By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner has challenged the order passed by the second respondent, dated 27.08.2019, by which action has been initiated under the provisions of SARFAESI Act to take over possession of the property, which has been offered as security to secure loan transaction to facilitate a partnership firm under the name and style of Ms.Miller Super Market from the third respondent bank. The petitioner's brother Ramamoorthy and five others have borrowed loan.

3. According to the petitioner, the property, which has been offered as security for loan transaction by his brother Ramamoorthy, is a joint family property.

4. In our considered view, this issue cannot be adjudicated in a writ petition. The learned counsel for the third respondent bank has pointed out that the petitioner's brother approached this Court and filed writ petition for an identical relief and the writ petition was not entertained and the petitioner was directed to approach the appropriate forum and the petitioner has filed S.A.No.342 of 2018 before the Debt Recovery Tribunal, Madurai and the same is pending.

5. Thus, it appears that the present attempt of the petitioner is made only to stall the proceedings without availing appropriate remedy available to the petitioner under the provisions of the SARFAESI Act. Therefore, we decline to entertain this writ petition and we hold that the writ petition is not maintainable. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to approach the Debt Recovery Tribunal for appropriate remedy. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS )

To

1. The District Collector,  
Tuticorin District, Tuticorin.

<https://hcservices.tn.courts.gov.in/hcservices>



2. The Sub-Collector,  
Revenue Administration,  
Disaster Management and Disaster reduction department,  
Tuticorin, Tuticorin District.

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+1 CC to M/s.V.SASI KUMAR, Advocate ( SR-87421[F] dated  
18/09/2019)

+1 CC to M/s.K.MURALEEDHARAN, Advocate ( SR-87431[F] dated  
18/09/2019 )

+1 CC to SPECIAL GOVERNMENT PLEADER ( SR-87581[F] dated  
18/09/2019)

**W.P(MD)No.19881 of 2019**  
**17.09.2019**

**ta**

AE/ (16.10.2019) 3P 6C