



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM  
AND  
THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.20160 of 2019

D.Suresh Kumar

... Petitioner

Vs.

1. The District Collector,  
The District Collector office,  
Thiruchirappalli District.
2. M/s.Indian Overseas Bank,  
Having its registered office at Chennai and  
One of its branches namely Abishekapuram Branch,  
Kallukuzhi Main Road,  
Mannarpuram, Trichy 620 020  
rep. By its Chief Manager.
3. M/s.Shree Venkateswara Engineering Works,  
Rep by its Proprietor Mr.T.V.Shanmugasundaram,  
D 28 Developed Plots,  
SIDCO Estate, Thuvakudi,  
Trichy 620 015.
4. T.V.Shanumugasundaram
5. Jayanthi Mala
6. Mala @ Mangalam

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from in any manner taking physical possession of the petitioner house property more fully house property comprised in Survey in T.S.No.2054/1,2054/3 and 2054/2 situated at Municipal Old Ward no.4, New Ward no.22 which is house property bearing Old D.no.14, New Door no.24 situated at in the eastern row of Keela Sayyakkara Lane at Trichy by invoking the provisions under Section 14 of the SARFAESI Act by considering the petitioner representation dated 26.08.2019.



For Petitioner : Mr.B.Jameel Arasu  
For 1<sup>st</sup> Respondent : Mr.A.Muthu Karuppan, AGP  
For 2<sup>nd</sup> Respondent : Mr.R.Pandivel

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**ORDER**

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner, Mr.A.Muthu Karuppan, learned Additional Government Pleader appearing for the first respondent and Mr.R.Pandivel, learned counsel appearing for the second respondent.

2.The petitioner by way of writ petition seeks for a direction to forbear the respondents 1 and 2 from in any manner taking physical possession of the petitioner house property more fully house property comprised in Survey in T.S.No.2054/1,2054/3 and 2054/2 situated at Municipal Old Ward no.4, New Ward no.22 which is house property bearing Old D.no.14, New Door no.24 situated at in the eastern row of Keela Sayyakkara Lane at Trichy by invoking the provisions under Section 14 of the SARFAESI Act by considering the petitioner representation dated 26.08.2019.

3.The third respondent is the borrower of the loan from the second respondent Bank. The fifth respondent is the guarantor of the property, who has offered a property as a security for the loan and the petitioner is an attestor. Now the petitioner is before this Court contending that he has got a right through a Will. Admittedly, the respondent Bank proceeded against the borrower. The borrower filed an appeal before the Debts Recovery Tribunal and a conditional order was passed, which has not been complied with. Apart from that, three sale notices have already been issued. It appears that the property have already been sold.

4.We are of the considered view that the present attempt of the petitioner is to indirectly stall the sale. No relief can be sought for. Hence, this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS )



To

The District Collector,  
The District Collector office,  
Thiruchirappalli District.

**WEB COPY**

+1 CC to Mr.R.PANDIVEL, Advocate SR-88125.  
+1 CC to GP SR-88542.  
+1 CC to Mr.B.JAMEEL ARASU, Advocate SR-88604.

**Writ Petition (MD).No.20160 of 2019**  
**20.09.2019**

**mrn/sji**

CS(09.10.2019) 2P 5C