



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

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

Writ Petition (MD).No.23477 of 2019
and W.M.P(MD).No.20110 of 2019

M.Sangareswari

... Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

3.The Authorised Officer,
Karur Vysya Bank Ltd,
(Asset Recovery Branch)
R.S.No.9, Uthankudi Village,
Near Mattuthavani Bus Stand, Madurai.

4.The Manager,
Karur Vysya Bank Ltd-Sivakasi Branch,
82, New Road Street,
Sivakasi, Virudhunagar District.

5.N.Sulochana

... 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 pertaining to the impugned notice of the second respondent in Na.Ka.No.A1/5713/2019 dated 24.10.2019 and quash the same as illegal and consequently direct the respondents to follow due process of law and issue notice and sufficient time to the petitioner(tenant) to vacate the premises based on the petitioner's representation dated 31.10.2019.



For Petitioner : Mr.G.Nagalingam
For Respondents : Mr.A.Muthukaruppan (for R1 & R2)
Additional Government Pleader
Mr.Palaramasamy (for R3)

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O R D E R

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

Heard Mr.G.Nagalingam, learned counsel appearing for petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.Pala Ramasamy, learned counsel appearing for third respondent.

2.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner's claim is that she is the tenant in respect of property which was mortgaged with the respondent/bank to secure loan transaction availed by the fifth respondent. The fifth respondent committed default, consequently, the respondent/bank initiated proceedings under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act) and symbolic possession of the property has been taken over. Thereafter, it appears that the District Collector has passed order under Section 14 of the said Act on 27.09.2019. Pursuant to which, the impugned notice has been issued by the Tahsildar directing the petitioner to vacate. The petitioner states that her husband is working abroad and she has got two small children and requests time to vacate.

4.We cannot entertain such a plea in the writ petition. Admittedly, the fifth respondent has not challenged the order passed by the District Collector under Section 14 of the SARFAESI Act. If genuinely the petitioner requires time to vacate the premises, then she has to approach the third respondent and make a request and filing of this writ petition for such a relief is thoroughly misconceived. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

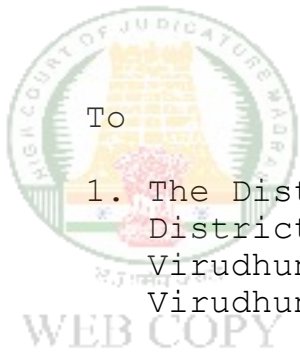
Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

rmk

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The District Collector,
District Collector Office,
Virudhunagar,
Virudhunagar District.

2. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

+1 CC to M/s.G.PADMANABAN, Advocate SR-96750.

+1 CC to M/s.MR. PALARAMASAMY, Advocate SR-97013.

+1 CC to SPL GP SR-96957.

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