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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.29890 OF 2018

AND

W.M.P.NO.34895 OF 2018

Sri Gomatha Dairy
represented by its Proprietrix
C.Samundeeswari

.. Petitioner

Versus

1. The Sub Registrar,
Thirukkanur,
Pondicherry.
2. The Inspector of Police,
Villiyannur Police Station,
Villiyannur, Pondicherry.
3. The Commissioner,
Komman Panchayat,
Mannadipattu.
4. The Andhra Bank,
represented by its Branch Manager,
30/1, Villupuram Main Road,
Kottaimedu, Villiyannur Branch,
Pondicherry.

.. Respondents

This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 2 and 4 from interfering with the peaceful possession and enjoyment of the property comprised in Survey No.44/3, measuring an extent of 1.62 Acres along with the building therein at Vinayagampattu Village, Mannadipattu Commune Panchayat, Pondicherry unless by due process of law.

For Petitioner : No appearance

For Respondents : Mr. J. Kumaran, AGP, Pondicherry
for R1 & R3
Mr.V.Balamurugane, APP(Pondicherry)
for R2
Mr.R.Gowthamanarayanan for R4



He has also brought to the notice of this Court, the order passed by this Court on 24.8.2018 in CrI.O.P.No.15880 of 2015 filed by the petitioner for anticipatory bail, wherein, after recording the submission of the learned Additional Public Prosecutor that neither a case was registered, nor a petition enquiry was pending against the petitioner, this court closed the said petition.

4.The learned counsel appearing for the fourth respondent submitted that the petitioner availed loan facilities from the fourth respondent bank. However, they defaulted in payment of monthly instalments. Therefore, the fourth respondent has initiated debt recovery proceedings against her and in order to escape from the clutches of legal proceedings, the petitioner has filed this writ petition raising various allegations against this respondent.

5.Considering the nature of the issue involved herein, which is more of civil in nature, and having regard to the submissions made on the side of the respondents, more particularly that the fourth respondent bank already initiated the proceedings against the petitioner for recovery of dues, this court is not inclined to grant any relief to the petitioner.

6.In such view of the matter, this writ petition is liable to be dismissed as devoid of merits and is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Sub Registrar,
Thirukkanur,
Pondicherry.
2. The Inspector of Police,
Villiyannur Police Station,
Villiyannur, Pondicherry.



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3. The Commissioner,
Komman Panchayat,
Mannadipattu.

4. The Branch Manager, Andhra Bank,
30/1, Villupuram Main Road,
Kottaimedu, Villiyanur Branch,
Pondicherry.

+1cc to the Government Pleader, S.R.No.47297

W.P. No. 29890 of 2018

RSV (CO)
PM/25/10/2021