



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.3443 of 2021

D.Rajeswari

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary,
Home Department,
Fort St. George, Chennai - 9.
2. The Registrar General,
The Hon'ble High Court of Madras,
Chennai.
3. The Registrar (Administration),
The Hon'ble Madurai Bench of Madras,
High Court, Madurai - 23.
4. The Principal District Judge,
Virudhunagar District,
Srivilliputhur.

... Respondents

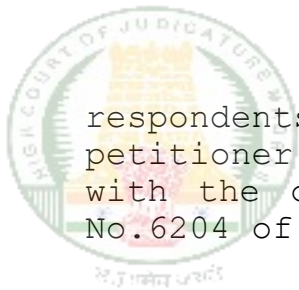
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to consider the proposal for extension of tenure of the petitioner as Official Receiver for Virudhunagar District for further period of three years in pursuant to the order of this Court dated 28.11.2016 in W.P.(MD)No.6204 of 2016.

For Petitioner	:	Mr.K.Prabhu
For Respondents No.1	:	Mr.K.P.Krishnadoss, Special Government Pleader
For Respondents No.2&3	:	Mr.G.Thalai Mutharasu

ORDER

[Order of the Court was made by **M.M.SUNDRESH, J.**]

The petitioner seeks a writ of mandamus, directing the



respondents to consider the proposal for extension of tenure of the petitioner as Official Receiver for Virudhunagar District in tune with the order passed by this Court dated 28.11.2016 in W.P.(MD) No.6204 of 2016.

2. Unfortunately, in view of the introduction of the Insolvency and Bankruptcy Code, 2016, there is no role for the Official Receiver. The Board constituted under the Code alone is entitled to sell the property. Thus, no Official Receiver can function in the said capacity and conduct the sale. A similar decision has already been taken by the Home Secretary, with respect to the communication sent by the Registrar (Management), High Court, dated 11.07.2017 by returning the proposal for appointment of an Official Receiver for Villupuram District. In the said communication, it has been clearly stated that in view of Section 243 of the Insolvency and Bankruptcy Code, 2016, the Act 5 of 1920 (Central Act) stood repealed.

3. In view of the aforesaid development, the prayer sought for by the petitioner is not fit for consideration. The fact has also not been placed before the Division Bench while passing orders in W.P.(MD)No.6204 of 2016.

4. Accordingly, the writ petition is closed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

OGY

To

1. The Secretary,
Home Department,
Fort St. George, Chennai - 9.
2. The Registrar General,
The Hon'ble High Court of Madras,
Chennai.
3. The Registrar (Administration),
The Hon'ble Madurai Bench of Madras,
High Court, Madurai - 23.



4. The Principal District Judge,
Virudhunagar District,
Srivilliputhur.

+1 CC to Mr.K.PRABHU, Advocate (SR-6777[F] dated 23/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-6947[F] dated 24/02/2021)

+1CC to Mr.G.THALAIMUTHARASU, Advocate (SR-7078[F] dated 25/02/2021)

Order made in
W.P. (MD)No.3443 of 2021
23.02.2021

ES (CO)

SRS (11/03/2021) 3P : 8C