



WEB COPY

W.P.(MD).No.12016 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.12016 of 2021

and

W.M.P. (MD) .No.9468 of 2021

N.S.Iyappan

...Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildhar,
Madurai North Taluk,
Madurai.

3.The Authorized Officer,
HDFC Bank,
Door No.406, Sakthi Sivam Plaza,
K.K.Nagar,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus to forbear the respondents from evicting and vacating the petitioner and his family from the house property situated in Plot No.43, UDR resurvey No.111/3B, Thiruppalai Village, Madurai North Taluk, Madurai District to an extent of 1639 sq.feet and the same is assigned in Door No.1/278-D Anbu Nagar, Sindhu Street, Thiruppalai, Madurai without following due process of law.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondents 1 & 2 : Mr.R.Baskaran,
Standing Counsel for Government

For 3rd Respondent : Mr.M.Ponniah for R3



O R D E R

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

Heard Mr.R.Pon Karthikeyan, learned counsel appearing for the petitioner, Mr.R.Baskaran, learned Standing counsel appearing for the respondents 1 and 2 and Mr.M.Ponniah, learned counsel appearing for the third respondent.

2.The petitioner seeks for a direction to forbear the respondents from evicting and vacating the petitioner and his family from the house property situated in Plot No.43, UDR resurvey No.111/3B, Thiruppalai Village, Madurai North Taluk, Madurai District to an extent of 1639 sq. feet and the same is assigned in Door No.1/278-D, Anbu Nagar, Sindhu Street, Thiruppalai, Madurai, without following due process of law.

3.Admittedly, the petitioner has not challenged any of the measures taken by the third respondent Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (hereinafter referred to as "the SARFAESI Act").

4.The learned counsel for the petitioner submitted that the third respondent-Bank appears to have obtained an order under Section 14 of the SARFAESI Act and the order copy has not been served.

5.All these matters cannot be agitated in a writ petition, especially, when the petitioner has not put to challenge any of the measures taken by the third respondent Bank under the provisions of the SARFAESI Act.

6.Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note In view of the present lock down owing to COVID-19 pandemic, a
: web copy of the order may be utilized for official purposes,
but, ensuring that the copy of the order that is presented is
the correct copy, shall be the responsibility of the
advocate/litigant concerned.

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To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildhar,
Madurai North Taluk,
Madurai.

W.P. (MD) .No.12016 of 2021

19.07.2021

MGJ(26.07.2021) 3P 3C