



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.17698 of 2020

and

W.M.P. (MD)Nos.14791 to 14793 of 2020

K.Pandi

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.M/s.Axis Bank Ltd.,
Rep. by its Authorized Officer,
Axis Bank Loan Centre, 61/4B, Pattu Arcad, 1st Floor,
Bye-Pass Road, Ram Nagar,
Madurai - 625 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of physical possession issued by him in his proceedings in Proc. Roc.No.2126/2018 C1, dated 27.07.2019 in respect of the petitioner's dwelling house bearing Old Natham S.No.379/4, corresponding to New Natham S.No.733/2&3, admeasuring 1024 sq.ft. Situated at Sockupillaipatti, Pillaiyar Natham Village, Nilakottai Taluk, Dindigul District, quash the same as illegal, arbitrary and colourable exercise of power and consequently, direct the second respondent to consider the petitioner's case for settlement of entire loan amount in connection with the Agri Production Credit Loan Account No.915030007465398 in equal monthly installments by waiving the penal interest based on his representation, dated 20.10.2020, within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondent No.1 : Mr.K.P.Krishnadoss
Special Government Pleader
For Respondent No.2 : Mr.P.Pethu Rajesh

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The Writ Petition as filed is not maintainable. What was challenged is the appointment of the Nodal Officer. Even in an



auction under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, neither the borrower nor the auction purchaser is entitled to be heard.

2. In such view of the matter, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is willing to settle the amount, provided one time settlement is arrived at. It is further submitted that both the borrowers are no more and the petitioner is a poor person.

4. Considering the submissions made, we only permit the petitioner to approach the respondents. We hope and trust, the respondents will consider the case of the petitioner sympathetically.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SMN2

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.

To

The District Collector,
Dindigul District, Dindigul.

+1 CC to Mr.P.PETHU RAJESH, Advocate (SR-8522[F] dated 03/03/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER (SR-8674[F] dated 04/03/2021)

+1 CC to Mr.P.THAMBIDURAI, Advocate (SR-8776[F] dated 04/03/2021)

Order made in

W.P. (MD)No.17698 of 2020 and

W.M.P. (MD)Nos.14791 to 14793 of 2020

03.03.2021

MA (CO)

SRS (15/03/2021) 2P : 5C

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