



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

CORAM:

**THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND**

THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.P. (MD) Nos. 19677 & 19683 of 2020

and

W.M.P. (MD) Nos. 16397, 16400 & 16401 of 2020

Shanmuga Sundaram V : Petitioner in WP. (MD) No. 19677/2020

Thamil Selvi S : Petitioner in WP. (MD) No. 19683/2020

Vs.

1. The Authorised Officer,
Cholamandalam Investment and Finance Company Limited,
Dare House, 2, N.S.C. Bose Road,
Parrys, Chennai - 600 001.

2. The District Collector,
Madurai District, Madurai.

3. The Tahsildar,
Madurai South Taluk,
Arignar Anna Nagar, Madurai District.

4. The Commissioner of Police,
Madurai City,
Alagar Kovil Main Road,
K. Pudur, Madurai District.

: Respondents in both petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for records pertaining to the notice of the third respondent in Na.Ka.No.415/2019/A5, dated 02.12.2020 and Na.Ka.No.1761/2020/AA6, dated 07.12.2020, respectively and quash the same.

For Petitioners : Mr. P. Jesus Moris Ravi, Advocote

For Respondents : Mr. R. Murugaraj,
Additional Government Pleader
for R2 to R4
in WP (MD) No. 19677 of 2020
Mr. N. Shanmugaselvan,
Additional Government Pleader
for R2 to R4
in WP (MD) No. 19683 of 2020



COMMON ORDER

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

The petitioner in W.P.(MD)No.19677 of 2020 is the husband and the petitioner in W.P.(MD)No.19683 of 2020 is the wife. In both these writ petitions, the orders passed by the respondent / Tahsildar under Section 14 (1) (2) of the SARFAESI Act are put into challenge.

2.Insofar as the writ petition in W.P.(MD)No.19677 of 2020 is concerned, it is informed by the learned Additional Government Pleader that possession has been taken from the petitioner and was also handed over. This submission is not disputed by the learned Counsel for the petitioners.

3.The learned Counsel for the petitioners submitted that the orders passed by the Tahsildar cannot be sustained in the eye of law, without serving a copy of the proceedings of the District Collector, which have been referred to in the impugned order. Had that been done, the petitioners would have approached the jurisdictional Tribunal for appropriate orders.

4. We do not think that the aforesaid submission is a correct position of law. However, inasmuch as the orders have been passed only in pursuant to the communication sent by the District Collector, Madurai, in and by the proceedings in Na.Ka.C6/3182/2019, dated 28.02.2019 or 28.02.2020, as the case may be, the same is directed to be furnished to the petitioners, by the District Collector, Madurai / second respondent, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, both the writ petitions stand closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai District,
Madurai.

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



2.The Tahsildar,
Madurai South Taluk,
Arignar Anna Nagar,
Madurai District.

3.The Commissioner of Police,
Madurai City,
Alagar Kovil Main Road,
K.Pudur, Madurai District.

+1 CC to M/s.GP (SR-69,115[F] dated 05/01/2021)

W.P. (MD) Nos.19677 & 19683 of 2020
04.01.2021

GK

TK/SAR/18.01.2021/3P/5C