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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.3832 of 2014

Murugamirtham Achi ... Petitioner

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Cumbum South Police Station,
Cumbum.

.The Authorised Officer,
Canara Bank,
Cumbum Branch,
Cumbum. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the third respondent from interfering with the peaceful possession and enjoyment of the petitioner's property situated at Door 429-A Ward No.27, bearing S.C.No.814 with RCC structure, Municipal Water tap connection, Cumbum Sub District, Cumbum Municipal Town, Uthamapuram Village, Appachipillai Lane, L.F Road.

For Petitioner : Mr.S.Pugalendhi
For R-1 and R-2 : Mr.S.Kameswaran,
Government Advocate.
For R-3 : Mr.K.Muraleedharan

ORDER

The Writ Petitioner had availed a loan of Rs.1.2 lakhs for starting food processing unit. This loan was obtained from the third respondent. The son of the petitioner had hypothecated two (2) cents of the land with the third respondent which lands were situated near Yurega Theatre in Cumbum.

2. The Writ Petition has been filed seeking a Mandamus forbearing the third respondent from interfering with the peaceful possession of the petitioner's property which had been

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hypothecated.

3. Mr.S.Kameswaran, learned Government Advocate, appears on behalf of respondents 1 and 2.

4. The Writ Petition has been pending for the past seven (7) years. If the property had been properly hypothecated and if there is any default in the loan and if it is claimed in the manner known to law, before proceeding, the third respondent may necessarily issue notice to the petitioner herein. The manner known to law is only to approach the competent civil Court or the Court where recovery proceedings can be initiated. If at all the cause survives, a direction is given to the third respondent that no action should be taken without putting the petitioner on notice.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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

1.The Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
Cumbum South Police Station, Cumbum.

3.The Authorised Officer, Canara Bank,
Cumbum Branch, Cumbum.

+1 CC to M/s.SPL GP (SR-35164[F] dated 19/11/2021)

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