



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No.1371 of 2022
and

W.M.P.No.1493 of 2022

Dr. K. Mani

..Petitioner

v.

1. The District Collector cum District Magistrate,
Salem District, Salem.

2. M/s. Asset Reconstruction Company (India) Ltd.,
Rep. By its Authorized Officer,
The Ruby, 10th Floor, Senapati Bapat Marg,
Dardar (West), Mumbai - 400 028.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, to direct the 1st respondent to hear the petitioner's representation dated 21.01.2022, with regard to the existence of any security interest being created in favour of the 2nd respondent or its assignor banks by the borrower pertaining to the land in Survey No.44/5B of the Kanathampadi Village, Salem West Block, Salem District which is presently reassigned with T.S.No.14/5, Block-10, T.Ward, Salem Town, by having a consideration of the relevant revenue records and pattas granted along with the relevant materials and to have conclusion over the existence of rights while disposing of the application or proceeding if any to be initiated under section 14 of the SARFAESI ACT in S.A.No.3423 of 2017 ad to exclude the petitioner's land in Survey No.44/5B of the Kanathmpadi Village, Salem West Block, Salem District, which is presently reassigned with T.S.No.14/5, Block-10, T.Ward, Salem Town.

For Petitioner : Mrs. Chithra Sampath, Senior Counsel
For Mr. R. Senthil

For Respondents : Mr. R.U. Dinesh Rajkumar,
Additional Government Pleader - R1
Mr. Ilaya Rajkumar,
for M/s. Ramalingam Associates - R2



O R D E R
(Order of the Court made by M.DURAI SWAMY, J.)

When the Writ Petition is taken up for hearing, Mr. Ilaya Rajkumar, learned counsel appearing for the 2nd respondent and Mr. R.U. Dinesh Rajkumar, learned Additional Government Pleader, appearing for the 1st respondent submitted that the possession would be taken only in respect of secured asset and not the property situate in Survey No.44/5B, which belongs to the petitioner. The learned counsel for the 2nd respondent further submitted that the secured asset is in Survey No.44/5A corresponding to S.No.14/4, measuring a extent of 1.24 acres.

2. Mrs. Chithra Sampath, learned Senior Counsel appearing for the petitioner, submitted that since the learned counsel for the 2nd respondent and the learned Additional Government Pleader have stated that they are not going to take possession of the property in Survey No.44/5B, which belongs to the petitioner, the Writ Petition may be closed.

3. Recording the submissions made by the learned counsel on either side, since the respondents are not going to take possession of the property in Survey No.44/5B belonging to the petitioner, the Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The District Collector cum District Magistrate,
Salem District, Salem.
2. The Authorized Officer,
M/s. Asset Reconstruction Company (India) Ltd.,
The Ruby, 10th Floor, Senapati Bapat Marg,
Dadar (West), Mumbai - 400 028.
+2cc to M/s. Ramalingam & Associates, S.R.No.11138
+1cc to the Government Pleader, S.R.No.11619

W.P. No.1371 of 2022
and W.M.P.No.1493 of 2022

NMI (CO)
RGA(01/03/2022)