



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.607 of 2022
and
WMP(MD)No.484 of 2022

Rajamani

... Petitioner

vs.

1) The Authorised Officer / Manager,
Indian Overseas Bank,
Pettai - Sipcot Branch,
No.A, Veerabagu Nagar,
Cheranmahadevi Road,
Pudupettai,
Tirunelveli.

2) The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Tirunelveli District.

3) Johnsi Rani

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, call for the records of impugned order dated 24.12.2021 passed by the Respondent No.1 and quash the same as illegal.

For Petitioner	: Mr.S.M.A.Jinnah
For R1 & R3	: Mr.N.Dilip Kumar
For R2	: Mr.S.R.A.Ramachandran
	Additional Government Pleader

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petition is directed against the possession notice dated 24.12.2021.

2. It appears that there was an auction as early as on 12.07.2019 pursuant to which, a sale certificate itself was issued

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



in favour of the successful bidder who is the 3rd respondent on 24.10.2019. The impugned notice is only for taking possession of the secured asset.

3. The learned counsel appearing for the petitioner would submit that pending the writ petition, possession was already taken and handed over to the 3rd respondent. It is also mentioned that challenging the sale, SARFAESI Application No.560 of 2019 is filed before the Debts Recovery Tribunal, Madurai, and that is still pending. The petitioner only seeks liberty to raise all the grounds that are available including the value of the property, before the Debts Recovery Tribunal.

4. The said liberty is granted. As the possession itself is already been taken by the Bank, nothing survives in the writ petition as the same has become infructuous.

5. Accordingly, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Presiding Officer,
Depts Recovery Tribunal, Madurai.
- 2.The Authorised Officer / Manager,
Indian Overseas Bank,
Pettai - Sipcot Branch,
No.A, Veerabagu Nagar, Cheranmahadevi Road,
Pudupettai, Tirunelveli.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Tirunelveli District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-3213[F] dated 31/01/2022)

+1 CC to M/s.SPL.GP (SR-3356[F] dated 01/02/2022)

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