



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14700 of 2010 and

M.P(MD) No.1 of 2010

WEB COPY

TA-59 Karakkathikkottai Primary Agricultural
Co-operative Credit Society Limited,
Represented by its
Secretary,
V.Panneerselvam,
S/o Veeriah,
Karakathikottai (P.O),
Kottaippattinam (via),
Pudukkottai District - 614 619

...Petitioner

Vs.

State Bank of India,
Represented by its
Assistant General Manager,
Stressed Assets Resolution Centre(Sarc),
Dukes Complex, II Floor,
6, Bharathiyar Salai,
Tiruhirappalli - 620 001.

...Respondent

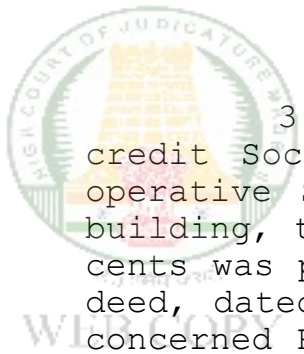
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication bearing No.SARC/TRY/1388-1392/194, dated 28.10.2010 and quash the same and consequently forbear the respondent from interfering with the petitioner's possession and enjoyment of the property in S.No.100/3A measuring an extent of 34 cents in Karakathikottai Village, Manmelkudi Taluk, Pudukkottai District.

For Petitioner	: Mr.J.Antony Arulraj for Mr. I.Irulappan
For Respondent	: Mr.D.Nallathambi

O R D E R

This writ petition is filed as against the communication of the respondent Bank, dated 28.10.2010.

2.By the impugned communication, the respondent informed the petitioner that the land in Survey No.100/3A in Karahathikottai Village in Manmelkudi Taluk, Pudukkottai District was mortgaged with the Bank on 09.09.1988, as collateral security for the loan availed by one Sri Soundarrajan. Since the loan amount was not paid, the State Bank of India filed a suit for recovery and also obtained an order from the Debts Recovery Tribunal.



3.The case of the petitioner is that the petitioner is a credit Society registered under the provisions of Tamil Nadu Co-operative Societies Act, 1983. In order to have a separate office building, the property in Survey No.100/3A measuring an extent of 34 cents was purchased from one S.Pandian, by way of a registered sale deed, dated 11.04.1991, after ascertaining the encumbrance from the concerned Registrar Office. They also obtained necessary permission from the Joint Registrar of the Society to put up construction in the said land and building was also constructed in the year 2010. At this juncture, the petitioner received a communication from the respondent Bank in SARC/TRY/1388-1392/194, dated 28.10.2010 stating that the vendor of the petitioner, namely, S.Pandian has offered the subject property as security and the recovery process is going on. Aggrieved over the same, the petitioner has filed this writ petition.

4.Today (28.04.2022), when the matter is taken up for hearing, it is reported that building has been constructed in the aforesaid land and the office is allowed to function in the building.

5.In view of the fact that the building has been constructed in the land and the office is also allowed to function in the building, this writ petition is closed as no further order is required. It is always open to the respective parties to work out their remedy before the appropriate Forum. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

To

The Assistant General Manager,
State Bank of India,
Stressed Assets Resolution Centre(Sarc),
Dukes Complex, II Floor,
6,Bharathiyar Salai, Tiruhirappalli - 620 001.

+1 CC to M/s.I. IRULAPPAN, Advocate (SR-22411[F] dated 29/04/2022)

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28.04.2022