



W.P.(MD).No.9475 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.9475 of 2012

and

M.P.(MD)No.2 of 2012

and

W.M.P.(MD)No.3781 of 2017

- 1.S.Rathina Raj
2. S.Ravichandran
3. Vijayakumar
4. S.Sumathi

... Petitioner

Vs.

1. The Official Receiver,
O/o. District Official Receiver,
District Court Campus,
Srivilliputhoor,
Virudhunagar District.

2. The Sub Registrar,
Sub Registrar Office,
Aruppukkottai,
Virudhunagar District.

3. M.Thamim Nisha

4. Kathija Beevi

1/5



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5. Megarnisha

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the proceedings in relation to the auction made by the first respondent dated 21.10.2011 and subsequent sale having been registered in the office of the second respondent dated 21.12.2011 as document No.8924 of 2011 in favour of the respondents 3, 4 and 5 by the first respondent in respect of the property bearing S.No.71/2, ward No.A, Block No.12, Town Survey No.12/4 Shanmuganathpuram Street, Madurai Road, Aruppukkottai Town measuring to an extent of 2 acres 65 cents and quash the same.

For Petitioner : Mr.C.M.Marichelliah Prabhu
for Mr.S.J.Chakkaravarthy

For R1 & R2 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R4 : No appearance



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ORDER

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The present writ petition has been filed challenging a sale deed executed by the first respondent herein pursuant to the declaration of the petitioner's father as insolvent in I.P.No.14 of 1992 on 02.04.1971.

2. According to the learned counsel for the petitioner, the receiver has not followed the provisions of the Provincial Insolvency Act in conducting the Court auction sale. Since the sale has been conducted in violation of the provisions of the Provincial Insolvency Act, the said sale is under challenge before this Court.

3. Even assuming that the receiver has acted in violation of the provisions of the Provincial Insolvency Act, the petitioner has efficacious remedy of filing a statutory appeal under Section 68 of Provincial Insolvency Act, 1920. When the petitioner is having such a statutory appellate remedy as against the auction, the present writ petition is not maintainable.



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4. In view of the above said discussion, the Writ Petition is dismissed as not maintainable with liberty to the writ petitioner to approach the concerned Court for filing a statutory appeal.

5. With the above said observations, the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

06.07.2022

Index : Yes / No
Internet : Yes / No
jbr

To

1. The Official Receiver,
O/o. District Official Receiver,
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Srivilliputhoor,
Virudhunagar District.

2. The Sub Registrar,
Sub Registrar Office,
Aruppukkottai,
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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P.(MD).No.9475 of 2012

06.07.2022