



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2022

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)NO.1126 OF 2022

and

W.M.P(MD)No.943 of 2022

Kavitha

:Petitioner

.vs.

1.The Manager,
Karur Vysya Bank,
Asset Recovery Branch,
Madurai,
Madurai District.

2.The Branch Manager,
Karur Vysya Bank,
Gnanavolivupuram Branch, Madurai.

3.The Superintendent of Police,
Oomatchikulam Division, Madurai.

4.The Inspector of Police,
Karyppayurani Police Station, Madurai.

5.Christopher

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 and 2 herein from vacating the Petitioner from her possession in Plot No.370, R.S.No.42/1, measuring 2415 sq.ft situated at Sree Meenakshi Nagar, Veerapanchan Village, Madurai North Taluk, Madurai District, by considering the Petitioner's representation, dated 10.1.2022.

For Petitioner

:Mr.D.Balamurugapandi

For Respondents
1 and 2

:Mr.Madhan Alexander

For Respondents
3 and 4

:Mr.P.Subbaraj
Special Govt.Pleader



O R D E R

(Order of the Court was made by **PUSHPA SATHYNARAYANA, J**)

This Writ Petition is filed seeking issuance of a Writ of Mandamus forbearing the respondents 1 and 2 herein from vacating the Petitioner from her possession in Plot No.370, R.S.No.42/1, measuring 2415 sq.ft situated at Sree Meenakshi Nagar, Veerapanchan Village, Madurai North Taluk, Madurai District, by considering the Petitioner's representation, dated 10.1.2022.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Though the learned counsel for the Petitioner says that the Petitioner is in possession of the property, now she is seeking the relief not to dispossess her from the petition mentioned property.

4. The agreement is only between the petitioner and the borrower and an agreement will not confer any right or title over the property. The respondents 1 and 2/Bank has already obtained an order under Section 14 of the SARFAESI Act, 2002 before the Chief Judicial Magistrate, Madurai, for taking possession. Since the Petitioner does not have any right or previty of contract, she has to work out her remedy, in the manner known to law and she cannot invoke Article 226 of the Constitution of India to restrain the respondents 1 and 2/Bank from taking possession of the property, when the bank has already obtained orders under Section 14 of the SARFAESI Act, 2002.

5. In view of the above, this Court finds no merit in the Writ Petition and accordingly, the same stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsn

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

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2. The Branch Manager,
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Gnanavolivupuram Branch,
Madurai.
3. The Superintendent of Police,
Oomatchikulam Division,
Madurai.
4. The Inspector of Police,
Karyppayurani Police Station,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) NO.1126 OF 2022

and

W.M.P (MD) No.943 of 2022

27.01.2022

MGJ(07.02.2022) 3P 6C