



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11587 of 2022
and
W.M.P. (MD) No.8187 of 2022

D.Rajaram

... Petitioner

Vs.

1.The District Revenue Officer,
Nagercoil,
Kanniyakumari District.

2.The Thasildhar,
Killoor Taluk,
Kanniyakumari District.

3.P.Ravindran Nair

4.Manikandan

5.Thankachi Banker
LIC No.20-90/91
Rep.by M.Sanalkumaran Thambi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent vide Na.Ka.No.A4/616/2021 dated 31.05.2022 and quash the same as illegal and may forbear the respondents 1 and 2 from disturbing the petitioner's possession in "RR Margin Free Market" bearing door No.7/217, 7/218 & 7/219 of Kollancode Municipality situated in Sy.No.263/12A Ezhudesam 'C' Village.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.M.Prakash,

Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2.



2.The petitioner is aggrieved by the impugned communication dated 31.05.2022 issued by the second respondent calling upon the petitioner to vacate the premises in question. The proceedings arise out of the action taken under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997. The petitioner has to necessarily workout his remedy only before the jurisdictional Special Court constituted under the said Act. It appears that a suit was filed against the petitioner before Special Court and that the same was decreed ex-parte during covid-19 period. The petitioner is said to have filed a petition for setting aside the ex-parte judgment and decree. The grievance of the petitioner is that in the meanwhile, the impugned communication has been issued.

3.I grant liberty to the petitioner to question the impugned communication also before the jurisdictional Special Court. The same will be taken up along with the petition filed by the petitioner for setting aside ex-parte judgment and decree. The petitioner's counsel states that such a petition will be filed before the Special Court within a period of ten days from the date of receipt of a copy of this order. If such a petition is filed by the petitioner, till the disposal of the same by the jurisdictional Special Court, the impugned communication will not be given effect to.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

ias

To:

- 1.The District Revenue Officer,
Nagercoil,
Kanniyakumari District.
- 2.The Thasildhar,
Killoor Taluk,
Kanniyakumari District.

+1 CC to M/s.K.P. NARAYANAKUMAR, Advocate (SR-25848[F] dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-25923[F] dated 15/06/2022)

W.P (MD) No.11587 of 2022

14.06.2022

MGJ(04.07.2022) 2P 5C