



W.P.(MD) No.18642 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.18642 of 2019

The Karur Vysya Bank Ltd.,
Rep. by its Authorized Officer,
Ramanathapuram Branch,
St.Rossary Church Complex,
Salai Street, Ramanathapuram District.

... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

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3.The Commercial Tax Officer,
Paramakudi, Ramanathapuram District.

4.T.A.Kannan

5.K.Nirmala

6.S.Balamani

7.S.Saranya

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take physical possession of the subject property and hand over the same to the petitioner bank as per the order made in K.Dis(C4) 44123/2017, dated 25.07.2018 passed by the 1st respondent within a time stipulated by this Court.

For Petitioner	: Mr.Pala.Ramasamy
For R1 to R3	: Mr.P.Thilak Kumar, Government Pleader
For R4 to R7	: Mr.A.Kannan



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer sought for in the Writ Petition is for a Writ of Mandamus, directing the respondents 1 and 2 to take physical possession of the subject property and hand over the same to the petitioner's bank as per the order passed by the 1st respondent in K.Dis(C4) 44123/2017, dated 25.07.2018.

2.According to the petitioner, the respondents 4 to 7 obtained loans from the petitioner's Bank. They committed default. Therefore, SARFAESI proceedings were initiated against them in which, the 1st respondent passed an order for taking over the physical possession of the secured properties owned by the respondents 4 to 7. The said secured properties were attached by the 3rd respondent, since the respondents 4 to 7 failed to pay the commercial tax. Though the subject property was brought for auction on various dates, the auction could not be completed for want of bidders. Therefore, the petitioner made a representation dated 04.12.2018 to the 1st respondent to reject the request of the 3rd respondent to take physical possession of the secured asset and hand

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over the same to the petitioner's Bank, since the secured creditors shall have priority over all other debts. Since the same has not been considered, the petitioner has filed this Writ Petition.

3.The learned Government Pleader appearing for the respondents 1 to 3 would submit that the 1st respondent will dispose of the petitioner's representation dated 04.12.2018 on merits and in accordance with law within a time frame.

4.Heard the learned counsel on either side.

5.Recording the submission made by the learned Government Pleader for the respondents 1 to 3, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 04.12.2018 and pass appropriate orders on merits and in accordance with law, after giving opportunity of hearing to all the parties concerned, within a period of six (6) weeks from the date of receipt of a copy of



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WEB COPY this order. Needless to state that the petitioner shall submit a copy of the representation dated 04.12.2018 to the 1st respondent along with a copy of this order, so as to enable the 1st respondent to comply with the order of this Court within the stipulated time.

6. With the above direction, this Writ Petition stands disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
21.09.2022

Index : Yes / No

Internet : Yes / No

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To

1. The District Collector,

Ramanathapuram District,

Ramanathapuram.

2. The Tahsildar,

Paramakudi Taluk,

Ramanathapuram District.

3. The Commercial Tax Officer,

Paramakudi, Ramanathapuram District.

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