



W.P.(MD)No.19473 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.19473 of 2022

S.Uma Maheswari

... Petitioner

Vs.

1.The Chief Manager,
Authorized Officer,
Indian Bank,
Bodinaickanur Branch,
Theni District.

2.S.Bhuvaneswari

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents not to disturb the petitioner's property in the light of petitioner's representation and in the meanwhile consider the petitioner's representation dated 10.08.2022 within a period that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.V.Balasubramanian
For 1 st Respondent	: Mr.R.Pandivel Standing Counsel

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

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This writ petition is filed for issuance of a Writ of Mandamus, to direct the respondents not to disturb the petitioner's property in the light of petitioner's representation.

2. Heard Mr.V.Balasubramanian, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel for the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner has admitted that the property of the petitioner was brought to sale by issuing notice on 18.12.2014 and the sale was conducted and possession notice was issued on 15.06.2019, which is the subject matter of the application before the Debts Recovery Tribunal in S.A.No.369 of 2019. It is also admitted that the Tribunal has granted interim stay not to confirm the sale. With respect to the same property, stating that the petitioner's possession is sought to be interfered by the private individual, who has purchased the property in the auction, the above Writ Petition is filed.



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4. This Court is unable to countenance the submission of learned counsel appearing for the petitioner that the auction purchaser, in favour of whom not even the sale certificate was issued or registered, is interfering with her possession. The contention of the petitioner that the third respondent is interfering and therefore, she should be prevented from interfering with her possession is baseless without describing any instance or act. The petitioner has already challenged the sale before the Debts Recovery Tribunal and also obtained an interim order. There cannot be any parallel proceedings before this Court by inventing a new cause of auction, which cannot be countenanced having regard to the admitted facts.

5. In view of the above, the Writ Petition is dismissed. No costs. However, it is open to the petitioner to approach the respondent bank and submit a representation either for waiver of penal interest or for One Time Settlement or for restructuring the loan or for any other concession, as may be permissible as per the guidelines of Reserve Bank of India or the norms applicable to the respondent bank. It may be open to the petitioner to redeem the



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property after discharging the loan before anything happens to
render redemption impossible.

[S.S.S.R., J.] [S.S.Y., J.]
24.08.2022

Index : Yes / No
sj



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