



W.P.(MD) No.23945 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN  
and  
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.23945 of 2022  
and  
W.M.P.(MD) No.18040 of 2022

M/s.S.N.K.Rajalakshmi Modern Rice Mill  
rep.by its Proprietor N.Kannan

... Petitioner

-vs-

- 1.The District Collector  
Tenkasi District, Tenkasi
- 2.The Revenue Divisional Officer  
Tenkasi, Tenkasi District
- 3.The Senior Manager  
Tamilnadu Mercantile Bank Ltd.,  
Vengadampatti Branch, Tenkasi District

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order in Na.Ka.A2/4873/2021, dated 30.09.2022, passed by the respondent No.2 and quash the same as illegal.



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For Petitioner : Mr.Venkatesan.R.

For Respondents : Mr.G.V.Vairam Santhosh  
Additional Government Pleader for R1 & R2  
Mr.Thevan, Standing Counsel, for R3

**ORDER**

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

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for the respondents 1 & 2 and Mr.Thevan, learned Standing Counsel, takes notice for the third respondent.

**2.** With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

**3.** Challenge in this writ petition is made to a notice issued by the second respondent, in Na.Ka.A2/4873/2021, dated 30.09.2022, whereby and whereunder, the petitioner was informed about the taking over of possession of the secured properties belonging to him, for the default committed by them in repayment of the loan amount borrowed from the respondent – Bank.



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**W.P.(MD) No.23945 of 2022**

4. At the outset, it is to be noted that this is the second round of litigation. Earlier, when the petitioner approached this Court by filing a writ petition in W.P.(MD) No.9442 of 2022 challenging the possession notice and this Court, by order dated 06.05.2022, has passed the following directions:

*“5. Now the respondents are proceeded to take physical possession of the property on 10.05.2022. Therefore, to show the bonafide, the learned counsel for the petitioner submits that there is an agreement for selling away the wife's property and he would also clear the entire amount on or before 07.08.2022. However, the learned counsel for the petitioner submitted that in addition to Rs.8,00,000/- paid on 04.02.2022, he will pay a sum of Rs.3,00,000/- on or before 10.05.2022 and another sum of Rs.5,00,000/- on or before 31.05.2022 and the balance amount will be paid on or before 07.08.2022.*

*6. The said statement made by the learned counsel for the petitioner is placed on record. This Court makes it clear that the petitioner fails to make the entire payment on or before 07.08.2022, the third respondent is hereby directed to take physical possession as per the schedule and proceed further.”*



**W.P.(MD) No.23945 of 2022**

WEB COPY

**5.** Admittedly, the above directions have not been complied with by the petitioner till date nor they have sought for extension of time, which does not reflect bona fide on the part of the petitioner. Therefore, we are not inclined to interfere with the impugned order.

**6.** Accordingly, the writ petition fails and the same is dismissed.  
No costs. Consequently, connected miscellaneous petition is closed.

**[R.M.D., J.]      [J.S.N.P., J.]**

**18.10.2022**

Index : Yes / No  
Internet : Yes / No

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To:

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Tenkasi District, Tenkasi.
- 2.The Revenue Divisional Officer,  
Tenkasi, Tenkasi District.



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