



W.P.No.7845 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7845 of 2023
and
W.M.P.No.8096 of 2023

K.Dhandapani

... Petitioner

Vs

1. The District Collector,
Tirupur District
Tirupur – 641 601.
2. The Director of Town and Country Plannin,
CMDA Building,
Koyambedu,
Chennai – 600 107.
3. The Deputy Director,
District Town and Country Planning,
1st Floor, Kumaran Commercial Complex,
Tirupur District – 641 601.
4. The Block Development Officer (VP)
Avinasi Panchayat Union,
Avinasi, Tirupur District – 641 652.
5. The President,
Ettiveerampalayam Village Panchayat,
Avinasi Taluk,
Tirupur District – 641 652.

... Respondents



W.P.No.7845 of 2023

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Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents not to grant approval for conversion of agricultural lands in Survey No.349/2 and 340/1, Patta No.171, at Ettiveerampalayam Village, Avinasi Taluk, Tirupur District into housing layout.

For Petitioners : Mr.P.V.Selvakumar

For R1 to R3 : Mrs.S.Mythreye Chandru,
Special Government Pleader

For R4 and R5 : Mr.E.Vijay Anand

ORDER

Mrs.S.Mythreye Chandru, learned Special Government Pleader takes notice on behalf of R1 to R3 and Mr.E.Vijay Anand, learned Additional Government Pleader takes notice on behalf of R4 and R5.

2. The case of the petitioner is that he is the absolute owner of the agricultural lands situated in Survey No.349/2 and 340/1, Patta No.171, at Ettiveerampalayam Village, Avinasi Taluk, Tirupur District which are the ancestral properties and the same was inherited by the petitioner being one of the legal heir. As such, the petitioner has been interrupted possession of the same for a long period. While so, to develop the



W.P.No.7845 of 2023

petitioner's garment business, he has approached the Corporation Bank, Veerpandi Branch, Tirupur and availed a loan to the tune of Rs.1.50 crores for which he had executed a simple mortgage deed to the bank. Due to the downfall in his business and fluctuation in the market, the petitioner could not repay the interest in a time bound manner. Hence, due to the default in payment of interest, the bank has initiated SARAFESI proceedings on 04.10.2016.

3. Subsequently, notice under Section 13(4) was also issued on 22.12.2021. Challenging the above said notices, the petitioner approached the Debt Recovery Tribunal at Coimbatore by way of S.A.No.298 of 2021 and the same is pending before the Debt Recovery Tribunal. Apart from the above S.A, the bank has filed a recovery against the petitioner in O.A.No.331 of 2017 and yet another S.A.No.438 of 2019 is also pending before the Debt Recovery Tribunal, Coimbatore. While so, pending the above legal proceedings initiated against the petitioner, the bank has sold the property by way of Sale Certificate dated 07.10.2020, registered as Doc.No.12897 of 2020, on the file of S.R.O, Avinasi. During Covid-19 prevailing the petitioner was seriously ill and bed ridden due to paralysis. Taking advantage of the above situation, the bank has unilaterally executed the alleged Sale Certificate



W.P.No.7845 of 2023

in favour of third parties for a very meagre amount.

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4. He further submits that the subsequent alleged purchasers of the property are trying to mutuate the revenue records in their names and trying to get valid approval from the appropriate authorities to convert the agricultural lands into a housing layout. For which the petitioner made necessary objections before the respondents on 23.11.2022.

5. The learned Special Government Pleader submits that the representation given by the petitioner will be considered before sanctioning the plan and would submit that it is always open to the petitioner to move the D.R.T for appropriate orders.

6. In view of the above, the second respondent is hereby directed to consider the representation of the petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

7. The Writ Petition is disposed of. No costs. Consequently, connected W.M.P is closed.

15.03.2023



W.P.No.7845 of 2023

WEB COPY

Index:Yes/No

Neutral Citation : Yes/No

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W.P.No.7845 of 2023

RMT.TEEKAA RAMAN, J.

nvi

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15.03.2023



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W.P.No.7845 of 2023