



WEB COPY



W.P.No.11445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11445 of 2023

State Bank of India,
Stressed Asset Recovery Branch (SARB),
rep. by its Chief Manager D.Parthasarathy,
Dr.Nanjappa Road,
Coimbatore – 641 018.

.. Petitioner

Vs

1.The District Magistrate and
The District Collector,
Tiruppur.

2.Protech Fabricators,
by its Proprietor D.Prabu,
3/7, Pushpa Nagar 2nd Street,
Kangeyam Cross Road,
Tiruppur – 641 604.

3.D.Prabu
4.D.Kokilam

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the impugned proceedings No.L.Dis.No.3547/2019/C3 dated 01.10.2021 on the file of the respondent and quash the impugned order being in derogation of the statutory provisions and decisions of the Hon'ble Supreme Court of India and consequently direct the respondent to pass appropriate order in the petitioner's application dated 26.02.2019 under Section 14 of the SARFAESI Act rendering necessary assistance to the petitioner to take physical possession of the secured asset.

For the Petitioner : Mrs.S.R.Sumathy

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

The Chief Manager, State Bank of India, Stressed Asset Recovery Branch, Coimbatore, has filed this writ petition challenging the correctness of the impugned proceedings dated 1.10.2021 of the first respondent/District Collector-cum-District Magistrate holding that the revenue records reveal that the scheduled property situated in Ward H, Block 7, T.S.No.228/Pt, an extent of 36.50 acres of land, Tiruppur Town Village, Tiruppur South Taluk, has



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been found in the name of the Commissioner, Tiruppur City Municipal Corporation.

2. On a perusal of the impugned proceedings, it is seen that the first respondent/District Collector-cum-District Magistrate, while considering the application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to take over of the possession of the secured assets, has found that the revenue records in respect of the scheduled property measuring an extent of 36.50 acres in T.S.No.228 (Pt), Ward H, Block 7, situate at Tiruppur Town Village, Tiruppur South Taluk stand in the name of the Commissioner, Tiruppur City Municipal Corporation.

3. Since the property in question belongs to the Commissioner, Tiruppur City Municipal Corporation, it is not known how the petitioner has come to this Court to resolve the title dispute between the borrower and the Municipal Corporation on one side and the petitioner/State Bank of India on the other side. The



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petitioner has to work out its remedy in the manner known to law.

Exercising jurisdiction under Article 226 of the Constitution of India, the title dispute between the parties in respect of the property in question cannot be gone into.

4. The writ petition fails and the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
17.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

The District Magistrate and District Collector,
Tiruppur.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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