



WP No.25485 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

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M.Loganathan

...

Petitioner

versus

1.The District Collector / District Magistrate
Tiruppur District.

2.The Revenue Divisional Officer
/Sub Divisional Magistrate
Tiruppur District.

3.The Tahsildar
Palladam, Tiruppur District.

4.M/s.State Bank of India
rep. by its The Authorized Officer
Stressed Assets Recovery Branch
No.377/1, Dr.Nanjappa Road
Behind N.S.Palaniappa Nursing Home
Coimbatore.

5.K.Murugesan

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to implement the order dated 31.01.2022 in proceedings No.Ref.No.383/2022/A1 on the file of 2nd respondent within time bound manner and hand over physical possession of property S.No.108/1B.108/1E situated at Ichipatti Village, Palladam, Tiruppur District to the petitioner.



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For the Petitioner : Mr.C.Prakasam
For the Respondents : Mr.U.Bharanidharan,
Additional Government Pleader,
for Respondents 1 to 3

Mr.M.Devaraj,
for Respondent No.4

Mr.P.Nethaji,
for Respondent No.5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.U.Bharanidharan, learned Additional Government Pleader, for respondents 1 to 3, Mr.M.Devaraj, learned counsel for respondent No.4 and Mr.P.Nethaji, learned counsel for respondent No.5.

2. The grievance of the petitioner is that the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not implemented. According to the learned counsel for respondent No.5, respondent no.5 is challenging the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before the Debts Recovery Tribunal. Proceedings are pending before the Debt Recovery Appellate Tribunal also.



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3. It is not in dispute that the Debts Recovery Tribunal or Debt Recovery Appellate Tribunal have not granted stay of the order under Section 14 of the Act of 2002. In that view of the matter, it is for the respondent authority to proceed ahead. If respondent No.5 does not get order of stay from Debts Recovery Tribunal or Debt Recovery Appellate Tribunal within fifteen days from today, then the respondent authority may proceed ahead for the execution of the order under Section 14 of the Act of 2002.

4. With these observations, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

26.06.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To:

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Palladam, Tiruppur District.

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(tar)

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