



WEB COPY

W.P.No.31120 of 2



THE HIGH COURT OF JUD ICATURE AT MADRAS

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.31120 of 2023
and
WMP.No.30749 of 2023

S.P.Rajan

...Petitioner

Vs.

- 1.The Secretary,
Government of Tamil Nadu,
Agricultural Department,
Secretariat, Chennai.
- 2.HDFC Bank Ltd.,
Represented by its Branch Manager,
Sree Gokulam Towers,
100 Ft. Road, 7th Street,
Gandhipuram, Coimbatore – 641 012.
- 3.S.Suhail Basha
- 4.The Sub-Registrar Joint-I,
Near Arts College, Stone House,
Ooty-643 001, The Nilgiris.
- 5.The Inspector General of Registration,
Department of Registration,
Santhome, Chennai – 600 028.

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus, forbearing the 2nd respondent from registering the sale certificate in favour of the 3rd respondent, pursuant to Sale Notice dated 27.06.2023 issued by the 2nd respondent herein pending consideration of the proceedings of the District Collector D.O.Lr.No.A8/8023/2015 dated 17.08.2018 by the 1st respondent, in terms of the Order dated 21.09.2023 in WP.No.27727 of 2023.

For Petitioner : Mr.Srinath Sridevan
Senior Advocate
for Mr.Bagavath Krishnan

For Respondents :Mr.P.Balathandayutham
Special Government Pleader for R1, R4 & R5
Mr.Karthikeyan T.N for R2

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN, J.)

This writ petition has been filed to forbear the 2nd respondent from registering the sale certificate in favour of the 3rd respondent, pursuant to Sale Notice dated 27.06.2023 issued by the 2nd respondent herein pending consideration of the proceedings of the District Collector



D.O.Lr.No.A8/8023/2015 dated 17.08.2018 by the 1st respondent, in terms of the Order dated 21.09.2023 in WP.No.27727 of 2023.

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2.At the time of arguments, it was pointed out that when the application is pending before the Debt Recovery Tribunal, Coimbatore, it might not be proper for this Court, to take up the relief that was sought for before the Debt Recovery Tribunal, by way of a Writ Petition.

3.Mr.Srinath Sridevan, learned Senior Counsel appearing for the petitioner submits that if a direction is given to the Debt Recovery Tribunal, Coimbatore to dispose of I.A.Diary No.4583 of 2023 in S.A.No.529 of 2023 within a time bound manner, it would suffice for the present.

4.Mr.T.N.Karthikeyan, learned counsel for the 2nd respondent has no objection for a direction to be granted to Debt Recovery Tribunal to take up the application.

5.Accordingly, the Debt Recovery Tribunal, Coimbatore is directed to take up I.A.Diary No.4583 of 2023 in S.A.No.529 of 2023 for



hearing and dispose it of after giving an opportunity to both sides on or before 30.11.2023. There shall be an interim protection not to register the sale certificate for a period of one week i.e., till 03.11.2023.

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6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.B.C.,J.) (V.L.N., J.)
26.10.2023

mkn/kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking

Neutral Citation : Yes/No



To:-

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Agricultural Department,
Secretariat, Chennai.
2. The Sub-Registrar Joint-I,
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and
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