



W.P(MD)No.1960 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.1960 of 2023
and
W.M.P(MD)Nos.1730 & 1732 of 2023**

Jayanthi Mala

... Petitioner

VS.

- 1.The District Collector,
District Collector Office,
Trichy, Trichy District.
- 2.The Tahsildar,
Taluk Office (East),
Trichy, Trichy District.
- 3.The Authorized Officer,
Indian Overseas Bank,
Abhisekapuram Branch,
Kallukuzhi Main Road,
Mannarpuram,
Trichy District – 620 020.
- 4.M/s.Shree Venkateswara Engineering Works,
Represented by its Proprietor Mr.T.V.Sahnmugasundaram,
D-28, Developed Plots,
SIDCO Estate,
Thuvakkudi,
Trichy District.



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5.Mukesh Kumar

6.D.Suresh Kumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the first respondent vide proceeding in K.Dis.G5/14320/2019 dated 28.11.2022, quash the same.

For Petitioner	: Mr.R.Sakthivel
For RR 1 & 2	: Mr.P.T.Thiraviam Government Advocate
For R - 3	: Mr.R.Pandivel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the proceedings issued by the first respondent in K.Dis.G5/14320/2019, dated 28.11.2022, the petitioner has filed the present Writ Petition.



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2. According to the petitioner, she is the guarantor of the loan availed by the fourth respondent. Since the fourth respondent was not in a position to repay the loan amount, a notice was issued under Section 13(4) of the SARFAESI Act by the third respondent. Though the petitioner undertakes to settle the outstanding amount to the third respondent, she raised several grounds in the Writ Petition. Earlier, the petitioner filed a Writ Petition in W.P(MD)No.28895 of 2022, challenging the very same impugned order in the present Writ Petition dated 28.11.2022, and the same was dismissed as withdrawn.

3. The learned counsel appearing for the third respondent Bank submitted that the Writ Petition filed by the petitioner itself is not maintainable and the said property was sold in the auction and the fifth respondent has purchased the property and a sale certificate has also been issued.

4. Considering the aforesaid facts and circumstances of the case, earlier the petitioner filed a Writ Petition in W.P(MD)No.28895 of 2022 challenging the very same impugned order and the same was dismissed as withdrawn without liberty and she has filed the present Writ Petition, which



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is not maintainable. Apart from that, the property in question has been sold to the fifth respondent and a sale certificate has also been issued in favour of the fifth respondent. Accordingly, the Writ Petition stands dismissed. However, it is always open to the petitioner to approach the appropriate forum in the manner known to law, if she is so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
01.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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