



W.P.(MD) No.4886 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.4886 of 2023
and
W.M.P.(MD) No.4577 of 2023**

1.Paul Sounder Raj

2.J.Mallika

3.P.Nithya

4.S.Stella Selvakumari

... Petitioners

-VS-

1.The Union of India
rep.by its Secretary to Govt.
Ministry of Finance
Department of Financial Services
3rd Floor, Jeevan Deep Building
Sansad Marg
New Delhi 110001



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- 2.The Reserve Bank of India
rep.by its Director
WRMP+4Q9, New Central Office Building
Sahid Bhagatsingh Road
Fort Mumbai
State of Maharashtra-400 001
- 3.The Reserve Bank of India
rep.by its Regional Director
Regional Office
Fort Glasis No.16, Rajaji Salai
Chennai-600 001
- 4.M/s.IDBI Bank Ltd.,
rep.by Authorized Officer
Ratnala Sridhar Kumar
KK Nagar Branch
No.1/ 1, Karthik Raja Complex
KK Nagar, Melur Road
Madurai-625 020
- 5.C.Prasanna
Advocate Commissioner
Appointed by the Chief Judicial Magistrate
Madurai
(Through Cr.M.P.No.274/2022, dated 18.04.2022
served on 17.05.2022)
No.64, Law Chamber
District Court Building
Madurai-625 020

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 4 and 5 herein not to take any coercive action of dispossessing the petitioners from the secured asset house building bearing Door No.225-191/4, R.S.No.66/1A, Plot No.7, B Block,



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WEB COPY (Managiri Village), Kumaran Street, Thasilthar Nagar, Rajaji Street,
Madurai-625 020.

For Petitioner : Mr.S.Veeranasamy

For Respondents : Mr.S.Jeyasingh
Central Government Standing Counsel for R1

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The petitioners seek a mandamus forbearing the respondents from taking any coercive action to dispossess them from the secured asset.

2. Admittedly, the petitioners have borrowed money from the respondent – Bank and the respondent – Bank initiated proceedings under the SARFAESI Act for recovery of the loan amount. The learned Chief Judicial Magistrate, Madurai, has passed an order dated 18.04.2022, in Cr.M.P.No.274 of 2022, under Section 14 of SARFAESI Act, appointing Advocate Commissioner to take possession of the property. The said order was challenged by the petitioners in W.P.(MD) No.10326 of 2022 and this Court granted interim stay of all further proceedings subject to the condition that the petitioners pay a sum of Rs.7,50,000/- to the respondent – Bank on or



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before 15.06.2022. It is not in dispute that the petitioners did not comply with the said order and withdrew the said writ petition on 26.09.2022.

3. In this writ petition, the petitioners seek a mandamus forbearing the respondent – Bank from discharging their statutory functions. Law is clear that such a mandamus cannot be issued. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

07.03.2023

(2/2)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Secretary to Government,
Union of India,
Ministry of Finance,
Department of Financial Services,
3rd Floor, Jeevan Deep Building,
Sansad Marg,
New Delhi 110001.



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