



W.P.(MD) No.12518 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.12518 of 2022

S.Selvalatha

... Petitioner

Vs.

- 1.The District Collector/District Magistrate,
Madurai District, Madurai.
- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Superintendent of Police,
Madurai District, Madurai.
- 4.The Tahsildar,
Thiruparankundram Taluk,
Madurai District.
- 5.The Authorized Officer,
M/s.Muthoot Housing Finance Company Ltd.,

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Madurai Branch,
No.84, 2nd Floor, South Veli Street,
Madurai.

6.R.Sundararajan

7.R.Diasrani

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to implement the order dated 18.02.2020 in Roc.No.C6/43974/2016 passed by the 1st respondent and to hand over physical possession of the property in Old Survey No.80/5 in New Survey No.80/5B3B to the extent of 1320 square feet out of 2.02 Acres with house in Plot No.30, situated at Thanakankulam Village, Madurai South Taluk, Madurai South Registration District, Madurai District to the petitioner within a stipulated period as framed by this Court.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate for R1 & R4
Mr.S.Manikandan,
Government Advocate for R2 & R3
Mr.S.Pethurajesh for R5



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to implement the order dated 18.02.2020 in Roc.No.C6/43974/2016 passed by the 1st respondent and to hand over physical possession of the property in Old Survey No.80/5 in New Survey No.80/5B3B to the extent of 1320 square feet out of 2.02 Acres with house in Plot No.30, situated at Thanakankulam Village, Madurai South Taluk, Madurai South Registration District, Madurai District to the petitioner, within a time frame.

2. When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 4 submitted that a suit has been filed by one Elangovan in O.S.No.155 of 2015, before the District Munsif Court, Thirumangalam and the same was dismissed by the trial Court on 03.02.2023 and therefore, he seeks four weeks time to take necessary action for taking possession of the property and hand over the same to the petitioner.



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WEB COPY 3. The learned counsel appearing for the 5th respondent bank submitted that the bank has also requested the Tahsildar to implement the order of the 1st respondent dated 18.02.2020, within a time frame.

4. In view of the above submissions, the 4th respondent is directed to take physical possession of the property in question, as per the order passed by the first respondent dated 18.02.2020 and hand over the same to the petitioner, within a period of four [4] weeks from the date of receipt of a copy of this order. It is needless to say that the 4th respondent shall send a communication to the petitioner, respondent bank and the borrower, before taking physical possession of the property in question.

5. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K., J.] [L.V.G., J.]
08.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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