



W.P(MD)No.7884 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.04.2023

CORAM :

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

**W.P(MD)No.7884 of 2023
and
WMP(MD)No.7305 of 2023**

A.Ramamoorthy

... Petitioner

vs.

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Madurai North Taluk,
Madurai.

3. The Branch Manager,
UCO Bank, K.K.Nagar Branch,
Madurai-625020.

4. M.Jeyamurugan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned order/notice issued by the 2nd respondent in his proceedings in ந.க.எண்.3910/2020 இ3 dated 28.03.2023 and quash the same as illegal and arbitrary.

For Petitioner	: Mr.R.Sevugaraja
For R1 & R2	: Mr.S.P.Maharajan Special Government Pleader
For R3	: Mr.P.T.S.Narendravan



W.P(MD)No.7884 of 2023

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

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Challenge in this writ petition is to the communication of the Tahsildar, Madurai North, dated 28.03.2023 informing the petitioner that he will have to hand over the possession of the property to the creditor, failing which, action will be taken in accordance with law. This letter is pursuant to the order of the District Collector made on 30.05.2020 in exercise of the powers under Section 14 of the SARFAESI Act.

2. This is not the first time the petitioner has come before this Court. Earlier, the petitioner has filed a writ petition in W.P(MD)No.14091 of 2020 seeking a Mandamus directing the Debts Recovery Tribunal to dispose of his SARFAESI appeal. The same was allowed by this Court on 13.12.2021 with a direction to the Tribunal to dispose of the appeal within a period of two weeks from the date of receipt of the order. Thereafter, the petitioner challenged the similar communication issued by the Tahsildar on 30.12.2022 in W.P(MD)No.1261 of 2023 which came to be dismissed on 24.01.2023 leaving it open to the petitioner to approach the Debts Recovery Tribunal. Again, the



W.P(MD)No.7884 of 2023

Tahsildar issued an order on 28.03.2023 which is made subject matter of the instant writ petition.

3. The challenge by the petitioner to a similar communication issued earlier, was dismissed by this Court. Therefore, this writ petition will also have to meet the same fate. We do not think we can entertain repeated writ petitions thereby rendering the provisions of the enactment namely, SARFAESI Act toothless.

4. Hence, the Writ Petition fails and it is accordingly dismissed. No costs. It will be open to the petitioner to sue the Central Government for damages, since this property has been sold out due to the non manning of the Debts Recovery Tribunal by the Central Government in time. Connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
11.04.2023

Index : Yes / No
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Neutral Citation : Yes / No
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W.P(MD)No.7884 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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To

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Madurai North Taluk,
Madurai.

ORDER MADE IN
W.P(MD)No.7884 of 2023
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