



W.P.(MD) No.12870 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

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

**W.P.(MD) No.12870 of 2023
and
W.M.P.(MD) Nos.10907 and 10908 of 2023**

Udhayakumar

... Petitioner

-VS-

1. The Authorized Officer,
UCO Bank, Dindigul Branch,
Door No.88/67, Pensarnar Veethi, Palani Road,
Dindigul- 624 001.

2. Saleem Sait

3. The Sub-Registrar,
Chinnalapatti Registration,
Chinnalapatti,
Dindigul District- 624 301.

... Respondents



W.P.(MD) No.12870 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the entire records pertaining to the impugned order passed in Cr.M.P.No. 8070 of 2023 dated 11.05.2023 on the file of the Chief Judicial Magistrate Court, Dindigul.

For Petitioner : Mr.P.M.Vishnu Varthanan

For Respondents : Mr.K.Periyasamy for R1
Mr.M.Prakash
Additional Government Pleader for R3

ORDER

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

Mr.K.Periyasamy, learned counsel takes notice for the first respondent – bank and Mr.M.Prakash, learned Additional Government Pleader, takes notice for the third respondent.

2. Considering the nature of the relief, notice to the private respondent is deemed unnecessary.



W.P.(MD) No.12870 of 2023

WEB COPY

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more in the nature of WRIT OF CERTIORARI to call for the entire records pertaining to the impugned order passed in Cr.M.P.No. 8070 of 2023 dated 11.05.2023 on the file of the Chief Judicial Magistrate Court, Dindigul.”

5. Learned counsel for the first respondent – bank would submit that the property itself has been sold on 01.10.2020 and the sale certificate has also been issued to the auction purchaser. The said sale certificate is the subject matter of challenge in S.A.No.95 of 2020 and the same is pending.



W.P.(MD) No.12870 of 2023

WEB COPY

6. The petitioner's attempt to scuttle the proceedings before this Court in W.P.(MD) No.21020 of 2022 was also repelled by this Court with a direction to the petitioner to go before the Debts Recovery Tribunal.

7. In the light of the above, we do not think that we can entertain the writ petition at this stage. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

NCC : No
Index : No
Internet : Yes
PKN

To

The Sub-Registrar,
Chinnalapatti Registration,
Chinnalapatti,
Dindigul District- 624 301.



WEB COPY



W.P.(MD) No.12870 of 2023

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

PKN

W.P.(MD) No.12870 of 2023

02.06.2023