



W.P.(MD) No.14399 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

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

**W.P.(MD) No.14399 of 2023
and
W.M.P.(MD) No.12204 of 2023**

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... Petitioner

-VS-

1. The Commissioner of Police,
Madurai.
2. The Inspector of Police,
Subramaniyapuram Police Station,
Madurai.
3. The Authorized Officer,
Shri Ram Finance Ltd.,
No.78, Ramalinga Centre,
3rd Floor, HDFC Bank Upstairs,
TPK Main Road, Andalpuram, Madurai.

4. D.Sivalingam

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 3 from evicting and dispossessing the petitioner from Door 2, VP complex, TPK Road, Madurai in S.No.151/3B illegally without following the due process of law vide his representation dated 08.06.2023.

For Petitioner : Mr.K.Govindarajan
for Mr.D.Saravanan

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 & R2

ORDER

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

Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents 1 and 2.

2. Since the writ petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioner, notice to the private respondents is dispensed with.



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

4. The tenant challenges the action taken under the SARFAESI Act.

We do not think we can entertain the writ petition since it involves adjudication of factual disputes. Hence, this writ petition stands dismissed leaving it open to the petitioner to approach the jurisdictional Debts Recovery Tribunal. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

19.06.2023

NCC : No
Index : No
Internet : Yes
PKN
To:

1. The Commissioner of Police,
Madurai.
2. The Inspector of Police,
Subramaniyapuram Police Station,
Madurai.



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