



W.P.(MD)Nos.19572 & 19573 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.19572 & 19573 of 2023

and

W.M.P.(MD)Nos.16172 to 16175 of 2023

M/s.Jai Hind Wire Rod Mills Ltd.,
No.12/1A, Nattamangalam Road,
Amani Kondalampatti, Salem-10,
through its Manager

... Petitioner in W.P.(MD)No.19572 of 2023

N.Umaiya Parvathi

... Petitioner in W.P.(MD)No.19573 of 2023

Vs.

1.The Authorized Officer,
IDBI Bank,
No.115, Anna Salai,
P.B.No.805, Saidapet,
Chennai-600015.

2.The Branch Manager,
IDBI Bank,
No.115, Anna Salai,
P.B.No.805, Saidapet,
Chennai-600015.

3.R.Maheshkumar
4.P.Balakrishnan

...Respondents in both W.Ps.



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COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the sale certificate dated 22.04.2023 registered as Doc.No.649/2023 on the file of Thovalai Sub-Registrar Office, Kanyakumari District as well as the consequential order passed in Criminal Miscellaneous Petition No.9727 of 2023 on the file of the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil dated 19.07.2023 and quash the same and further to forbear the respondents in anyway interfering with the peaceful possession and enjoyment of the petitioner company in respect of the land, building and windmill measuring an extent of 70 cents in R.S.No.762/1, Aralvoimozhi Village, Thovalai Taluk, Kanyakumari District.

For Petitioner : Mr.M.P.Senthil

For R1 & R2 : Mr.J.Prabakaran

For R4 : Mr.S.Rajasekar,

for M/s.T.Lajapathi Roy & Associates

(in both W.Ps.)

COMMON ORDER

(Order of the Court was made by ***V.LAKSHMINARAYANAN, J.***)

The petitioners state that the petitioner company is neither a borrower nor a guarantor with respect to IDBI Bank. However, the apprehension of the petitioners is that the Bank is attempting to take possession of its property on the strength of the proceedings of the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil in Cr.M.P.No.9727 of 2023, dated 19.07.2023.



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2. Whether the borrower is the owner of the disputed property or whether the writ petitioners are the owners of the property cannot be gone into in the Writ proceedings. The appropriate remedy for the writ petitioners is to institute a suit for declaration of title with consequential relief either of possession or injunction as the case may be.

3. We are not inclined to entertain these Writ Petitions. Liberty is granted to the writ petitioners to approach the jurisdictional civil Court and seek for appropriate relief. The parties shall maintain the *status-quo* as per the order of this Court dated 26.09.2023 in respect of 1.40 acres of land alone for a period of three weeks from today.

4. With the above observations, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

31.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

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