



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.19637 OF 2023
and
W.M.P(MD)Nos.16212 and 16213 of 2023**

G.Sreeram

:Petitioner

.VS.

- 1.The Authroized Officer,
Canara Bank,
Peraiyur Branch,
Madurai District.
- 2.The Branch Manager,
Canara Bank,
Peraiyur Branch,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the Chief Judicial Magistrate, Madurai in CrI.M.P.No.347 of 2023, dated 25.5.2023 and quash the same.

For Petitioner

:Mr.H.Arumugam,
for Mr.V.S.Kishok Kumar



For Respondents :Mr.V.S.Karthi

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ORDER

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the Chief Judicial Magistrate, Madurai in CrI.M.P.No.347 of 2023, dated 25.5.2023 and to quash the same.

2.Mr.V.S.Karthi, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The only contention of the Petitioner is that the lands which are mortgaged by the Petitioner are agricultural lands and that the loan itself was obtained for the purpose of doing agriculture. This Court is convinced that the entire lands are agricultural lands. However, the Petitioner states that SARFAESI Application is already filed by the Petitioner before the Debts Recovery Tribunal in S.A.No. 36 of 2023, in which, the Petitioner has raised the jurisdictional issue as to the competency of the respondents/Bank to proceed against the properties which are all agricultural lands.



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4. Therefore, the Debts Recovery Tribunal, Madurai shall decide whether the properties in question are agricultural lands and the entire proceedings and the very sale and the subsequent proceedings under Section 14 of the Tamil Nadu Land Encroachment Act shall stand hold, till it is decided by the Debts Recovery Tribunal. The Debts Recovery Tribunal, Madurai shall consider the application filed by the Petitioner I.A.No.181 of 2023 as well as S.A.No.36 of 2023 within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents- Bank shall not hand over possession of the properties in question to the auction purchaser. It is open to the Petitioner to implead the auction purchaser also as a party-respondent in the pending application before the Debts Recovery Tribunal.

4. with the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R.,J.] [D.B.C,J.]
11.08.2023

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

vsn



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)NO.19637 OF 2023

and

W.M.P(MD)Nos.16212 and
16213 of 2023

11.08.2023