



W.P.(MD)No.30267 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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P.Anitha

... Petitioner

Vs.

1.The Commissioner of Police,
Office of Commissioner of Police,
Madurai City.

2.The Manager,
Tamilnadu Mercantile Bank,
Madurai Main Branch,
No.51, East Avanimoola Street,
Madurai – 625 001.

3.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

4.Ramuthai

5.Seenivasan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct direct the 1st respondent to consider the



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petitioner's representation dated 29.10.2023 to take the physical possession in T.S. No.2347, House Plot No.2 Anuppanadi Village, Block No.48, Madurai Town Survey Ward No.1, Madurai Joint Sub District and handed over to the petitioner as per the order in Cr.M.P. No.443 of 2022 passed by the Chief Judicial Magistrate, Madurai.

For Petitioner : Mr.S.Bharathi

For Respondents : Mr.Veeranthiran,
Government Advocate for R1 & R3

ORDER

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

The prayer sought for in this Writ Petition is to direct the 1st respondent to consider the petitioner's representation dated 29.10.2023 to take the physical possession in T.S. No.2347, House Plot No.2 Anuppanadi Village, Block No.48, Madurai Town Survey Ward No.1, Madurai Joint Sub District, and to hand over the same to the petitioner as per the order in Cr.M.P. No.443 of 2022 passed by the Chief Judicial Magistrate, Madurai.

2. The grievance of the petitioner is that despite being a successful purchaser, the bank has not handed over possession of the subject property to her and therefore, she seeks for a Mandamus to consider her representation.



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3. The action of the secured creditor in bringing the property for auction has been subjected to a challenge before the jurisdictional Debts Recovery Tribunal. It is the case of the petitioner that the said proceedings has been dismissed. The failure of the bank to hand over possession pursuant to the sale certificate can also be brought to the notice before the jurisdictional Debts Recovery Tribunal.

4. Giving that liberty to the petitioner, this Writ Petition is dismissed. No costs.

**(S.M.S., J.) & (V.L.N., J.)
19.12.2023**

NCC : Yes / No

Index : Yes / No

SJ

To

1.The Commissioner of Police,
Office of Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

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