



W.P.No.8661 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.8661 of 2020

Tamilnad Mercantile Bank Limited
Valasaravakkam Branch, Chennai
Rep. Through its Authorised Officer
Arunmolian having his
Regional Office, No.45, Pulla Avenue
Shenoy Nagar, Chennai 600 030.

.. Petitioner

Vs.

1. The Additional Chief Secretary/
Commissioner of Land Administration
Chepauk, Chennai 600 005.
2. P.Ramadoss
3. Hari and Keerthi Engineers Private Ltd.
Rep. by its Director Keerthi Prasad
GKS Annexe, No.20, Pycrofts Garden Road
Chennai 600 006.
4. The District Collector
O/o. The Collectorate of Tiruvallur
Tiruvallur District.



W.P.No.8661 of 2020

WEB COPY

5. Cholambedu Grama Makkal Podunala Mandram

Rep. by its President

Cholambedu Gramam

Ambattur

Tiruvallur District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records pertaining to Proceeding No.K1/4068/2014 dated 26.12.2019 on the file of the 1st respondent and quash the same as illegal and unlawful.

For Petitioner : Mr.A.Arokia Satheesh
For Mr.S.Sethuraman

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for Respondents 1 & 4

No appearance
for Respondents 2,3 & 5

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Further to our order dated 06.02.2025, a status affidavit by one Mr.Prathap, respondent No.4, affirmed on 13.02.2025 is filed. Paragraph 8 of the affidavit reads as under:



WEB COPY



W.P.No.8661 of 2020

“8. It is respectfully submitted that in order to take disciplinary action against the officials involved in the wrong issuance of patta by violating the rules, the enquiry has been conducted on 10.02.2025. Based on the enquiry, a draft charge memo under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 has been created against the erring officials and sent to the disciplinary authority i.e., the Government, vide R.C.No.5092/2025/A3 dated 12.02.2025.”

2. As regards the reliefs claimed in the petition for the same survey number involving another borrower, this Court, by a common order dated 06.11.2024 disposed W.P.Nos.28302 and 28305 of 2024. The order reads as under:

“The relief sought in W.P.No.28302 of 2024 reads thus:

“Seeking issuance of a writ of certiorarified mandamus to quash the sale confirmation letter dated 29.4.2019 for auction sale held on 26.4.2019 by the 4th respondent Bank about the property comprised in Survey No.572 in respect of the 298 sq.ft undivided share of the land in flat No.BF3, of Block-B, First Floor, to an extent of 525 sq.ft. construction including common area and a covered car parking and building name is called as “APARAJITHAPURI” Apartments situated within the registration District of North Chennai and the Sub Registration District of Ambattur, Thiruvallur District as illegal and consequently direct the 4th respondent to refund the entire bid amount as well as an expenditure made in the property total for the sum of Rs.36,03,102/- together with the interest at the rate of 24 percentage per annum.”

2. The relief sought in W.P.No.28305 of 2024 reads thus:

“Seeking issuance of a writ of certiorarified



WEB COPY



W.P.No.8661 of 2020

mandamus to quash the sale confirmation letter dated 29.4.2019 for auction sale held on 26.4.2019 by the 4th respondent Bank about the property comprised in Survey No.572 in respect of the 503 sq.ft undivided share of the land in flat No.BF1, of Block-B, First Floor, to an extent of 861 sq.ft. construction including common area and a covered car parking and building name is called as "APARAJITHAPURI" Apartments situated within the registration District of North Chennai and the Sub Registration District of Ambattur, Thiruvallur District, as illegal and consequently direct the 4th respondent to refund the entire bid amount as well as an expenditure made in the property total for the sum of Rs.44,04,726.03/- together with the interest that the rate of 24 percentage per annum."

3. From the reliefs, as quoted above, disputed questions of facts arise and, hence, we are not inclined to entertain these petitions under Article 226 of the Constitution of India.

4. Petitioners, if aggrieved, may take such other steps as advised in accordance with law. We express no opinion.

Petitions are dismissed. There shall be no order as to costs. Consequently, interim applications stand dismissed."

3. Shri. Prabakar states similar order be passed in this petition.

Mr.Satheesh leaves it to the Court.

4. Considering the facts and circumstances, in our view also, the facts are identical. In view of the disputed questions of fact, we are not inclined to entertain this petition. If petitioner is aggrieved, it may take such other



W.P.No.8661 of 2020

WEB COPY

steps as advised, in accordance with law. We express no opinion. All rights and contentions are kept open.

5. Petition is dismissed. There shall be no order as to costs.

(K.R.SHRIRAM, CJ)

(SUNDER MOHAN, J.)

02.07.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Additional Chief Secretary/
Commissioner of Land Administration
Chepauk, Chennai 600 005.
2. The District Collector
O/o. The Collectorate of Tiruvallur
Tiruvallur District.



WEB COPY



W.P.No.8661 of 2020

THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

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