



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.35747 of 2019
And
WMP No.36653 of 2019**

A.Kumar

.. Petitioner

-VS-

1.The Authorised Officer,
LIC Housing Finance Limited,
Having Office at No.30/1A,
Abdul Razack 1st Street,
Saidapet,
Chennai-600 015.

2.Thiru P.Joseph

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, forbearing the first



respondent from evicting and disturbing the petitioner's peaceful possession and enjoyment of the property situated at Survey No.502/50 and 502/51, Desur Village, Vandavasi Taluk, Thiruvannamalai District totally to an extent of 3229 sq. ft., with building except due process of law.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent-1 : Mr.R.S.Anandan

For Respondent-2 : No Appearance

ORDER

The second respondent was a borrower in the present writ petition and the writ petitioner in the present writ petition was holding lease over the subject property.

2. The relief as such sought for in the present writ petition is to the first respondent from evicting and disturbing the petitioner's peaceful possession and enjoyment of the property situated at Survey No.502/50 and 502/51, Desur Village, Vandavasi Taluk, Thiruvannamalai District totally to an extent of 3229 sq. ft., with building except due process of law.

3. The present writ petition has been filed by the lease holder is



not entertainable, since the first respondent-Financial Institution has already initiated action under the SARFAESI Act against the second respondent.

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4. The learned counsel for the first respondent has submitted that the possession of the subject property has already been taken possession by the first respondent-Financial Institution and thus the relief, as such, sought for in the present writ petition cannot be considered. The petitioner, if aggrieved, would redress his remedy in the manner known to law.

5. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

08-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

S.M.SUBRAMANIAM, J.



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To

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The Authorised Officer,
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