



W.P.(MD) No.2767 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.2767 of 2024

and

W.M.P.(MD)Nos.2761 and 2762 of 2024

A.Ramamoorthy

... Petitioner

-Vs-

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai North Taluk, Madurai.

3.The Branch Manager,
UCO Bank, K.K.Nagar Branch,
Madurai-625020.

4.M.Jeyamurugan

5.The Commissioner of Police,
Madurai City, Madurai.

6.The Inspector of Police (L & O),
Thallakulam, Madurai City,
Madurai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order / notice issued by the 2nd respondent in his proceedings in Na.Ka.No.3910/2020/e3, dated 01.02.2024 following the order of the 1st respondent in his proceedings in R.O.C.No.C6/25736/2019, dated 30.05.2020 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Sevugaraja
For R1, R2, R5 : Mr.S.P.Maharajan,
& R6 Special Government Pleader
For R3 : Mr.C.Deepak
For R4 : Mr.V.Gubanthiran

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This Writ Petition has been filed challenging the order of the 2nd respondent dated 01.02.2024, directing the petitioner to hand over the possession of the property in question to the Authorized Officer of the respondent Bank in the presence of the 2nd respondent on or before 07.02.2024

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. According to the petitioner, he is the borrower of the 3rd respondent Bank and due to financial crisis, he was unable to repay the loan amount, for which, the 3rd respondent initiated SARFAESI proceedings and got the property in question under auction and issued sale certificate in favour of the auction purchaser and thereafter, filed a petition under Section 14 of SARFAESI Act, wherein an order has been passed on 04.06.2020, granting physical possession to the respondent Bank. Challenging the same, the petitioner has filed an appeal before the jurisdictional Debts Recovery Tribunal and the same is still pending. Pending the appeal, the 2nd respondent has passed the aforesaid impugned order.

4. The learned counsel appearing for the respondent Bank, by relying upon the orders passed by this Court on various occasions in the several Writ Petitions filed by the petitioner, submitted that the actions taken by the respondent Bank were being challenged by the petitioner on several occasions in one way or other from the year 2016.

5. In light of the submissions made by both sides, we are of the view that the petitioner has approached this Court for every action taken by the respondent Bank, which clearly shows that it is nothing but an abuse of process of law.



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Though the SARFAESI appeal is pending before the jurisdictional Debts Recovery Tribunal, he has not obtained any interim order in the pending appeal.

In view of the above, we feel that the petitioner has not made out any *prima facie* case to entertain this Writ Petition, accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]

09.02.2024

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

Yuva

To

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AND

R.VIJAYAKUMAR, J.

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