



W.P.(MD).No.19568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

W.P.(MD).No. 19568 of 2023 and
W.M.P.(MD).No.16166 of 2023

M.Sugumar

...Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichy.

3.The Commissioner,
The TamilNadu Special Police 1st Battalion,
Trichy.

4. Meiazhagan
*(R4 is impleaded vide Court order dated 28.11.2023
in W.M.P.(MD).No.17903 of 2023 by RVJ)*

5. A.Anjalai
*(R5 is impleaded vide Court order dated 28.11.2024
in W.M.P.(MD).No.8810 of 2024 by RVJ)*

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in R.C.No.COLREV-COLR/27239/2020-J2 dated 07.07.2023 and quash the same and consequently direct the 1st respondent to disburse the 2nd installment of the Housing Loan Advance of Rs.8,00,000/- forthwith to the petitioner.

For petitioner	: Mr.S.I.Muthaiah
For Respondent No.1 to 3	: Mr.D. Sasikumar Additional Government Pleader
For Respondents No.4	: No appearance
For Respondent No.5	: Mr.K.S.Kathiravan

ORDER

The instant writ petition has been filed by a Police Constable, challenging the order passed by the first respondent herein, wherein he had cancelled the sanctioning of housing loan for construction of house.

2. The petitioner herein had approached the first respondent herein seeking housing loan for putting up construction in new S.No.88/10 for an extent of 1344 Sq.ft., The first respondent has sanctioned a sum of Rs.16,00,000/-. Out of the said 16,00,000/-, Rs.8,00,000/- was released by the first respondent.



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3. It is further contended that while the petitioner was putting up construction, there was obstruction from one A.Anajalai wife of late Arumugam. Hence, the petitioner has filed a suit in O.S.No.778 of 2020, on the file of the Sub Court, Trichy for the relief of declaration of title and permanent injunction and the said suit is pending. In the meantime, one another Anajalai wife of P.Arumugam had filed a suit in O.S.No.169 of 2022, on the file of the Principal Subordinate Judge, Trichy for the relief of declaration of title and permanent injunction and recovery of possession and the same is pending.

4. In view of the complaints lodged by the rival parties, the first respondent herein by way of proceedings dated 07.07.2023, has arrived at a finding that there is a title dispute in one of the plots currently enjoyed by the writ petitioner. Further, he has also arrived at a find that S.No.88/10 is not in possession of the writ petitioner. Based upon the above said findings, the first respondent has directed the petitioner to repay the sum of Rs. 8,00,000/- along with interest totalling a sum of Rs.9,15,959/-. This order is under challenge in the present writ petition.



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5. According to the learned Counsel appearing for the writ petitioner, he being Government Servant, housing loan was sanctioned by the concerned authorities and in view of the title dispute or some disputes raised by the neighbouring owners such an order cannot be cancelled.

6. Per contra, the learned Counsel appearing for the fifth respondent herein had contended that in view of the title dispute, the petitioner cannot be permitted to put up construction and therefore, the first respondent was right in cancelling the sanction order and direction to repay the said amount.

7. I have carefully considered the submissions made on either side and perused the materials available on record.

8. The facts narrated above will clearly indicate that the first respondent herein has cancelled the housing loan granted to the petitioner only on the ground that some objections have been raised by the neighbouring owners. It could be seen from the records that both the parties have approached the competent civil Court and they are awaiting orders of



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the competent Civil Court. So far no interim orders have been passed by the civil Court.

9. In such circumstances, the Collector or the Revenue Officials are not expected to enter into the civil dispute between the parties. It is the duty of the writ petitioner to repay the loan from his salary. In such circumstances, the order impugned in this writ petition is set aside the parties are directed to abide by the orders of the competent civil Court. The first respondent is directed to release the second installment as and when it is due.

10. With the above said observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2024
(1/2)

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn



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R.VIJAYAKUMAR,J.
gvn

To

- 1.The District Collector,
Office of the District Collector,
Trichy.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichy.
- 3.The Commissioner,
The TamilNadu Special Police 1st Battalion,
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