



W.P.(MD)No.21323 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.21323 of 2024
and
W.M.P.(MD)No.18057 of 2024**

K.Navaneethan

... Petitioner

-VS-

1.D.Periyasamy

2.State Bank of India,
Thuraiyur Branch,
No.2A and 2B, RK and KK Commercial Building,
Trichy Road, Thuraiyur Town and Taluk,
Thiruchirappalli District - 621 010,
Represented by its Chief Manager.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents not to evict the petitioner from the property comprised in Survey No.453/1 to an extent of 3.16 Acres and Survey No.453/3 to an extent of 1.21 Acres, with absolute right in the well and 7.5 HP MPS with mamool right of pathway and all easement rights situated at Thuraiyur Taluk, Trichy District, Ariyalur Registration District, Uppliyapuram Sub Registration District, Sobanapuram Village, in an illegal manner by considering the petitioner's representation dated 30.08.2024.



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For Petitioner : Ms.S.G.Vidhya
For R2 : Mr.T.Govindasamy
Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The petitioner seeks a decree for a permanent injunction under Article 226 of the Constitution of India. The petitioner claims to have purchased the property in an e-auction held by the Debts Recovery Tribunal on 17.03.2022 and he has also been put in possession of the property by the Advocate Commissioner on 29.04.2022.

2. It is brought to our notice that on a challenge from the Debtor, the Debts Recovery Tribunal has passed certain conditional order, which has the effect of the sale being set aside.

3. Mr.T.Govindasamy, learned Standing Counsel appearing for the second respondent Bank would submit that the Bank has filed an appeal against the said order of the Debts Recovery Tribunal before the Debts Recovery Appellate Tribunal and the same is pending.



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4. In such situation, if the Principal Debtor attempts to interfere with the possession of the auction purchaser, it is for the auction purchaser to approach the appropriate Civil Court, seeking appropriate relief. Article 226 of the Constitution of India cannot be invoked to seek a decree for permanent injunction against a private individual. Hence, this Writ Petition is dismissed with liberty to the petitioner to approach the appropriate Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
smn2

[R.S.M., J.] [L.V.G., J.]
05.09.2024



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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