



W.P.(MD)No.22700 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.P.(MD)No.22700 of 2024
and
W.M.P.(MD)No.19213 of 2024**

Murugiah Pandian, S/o.Velladurai Pandian
-VS-

... Petitioner

The Chief Manager / Authorized Officer,
Indian Bank, Sankarankovil,
Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned sale notice issued by the respondent dated 06.09.2024, quash the same as illegal and consequently forbear the respondent from proceeding or taking enforcement action by invoking the provisions of Act 54 of 2002 against the petitioner's agricultural lands in Survey Nos.27/5, 31/1, 31/2, 31/3, 31/5, 31/6 and 31/7, Melamaruthappapuram Village, V.K. Pudur Taluk, Tenkasi District.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.C.Karthick



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ORDER

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

The petitioner's remedy lies elsewhere. The same petitioner has previously challenged an earlier sale notice regarding the same property, and that Writ Petition has been dismissed, granting liberty to the petitioner to approach the Debts Recovery Tribunal. Because the sale proposed in the earlier notice dated 19.07.2024, did not fructify, the Bank has issued a second sale notice. The second sale notice is put to challenge in this Writ Petition.

2. We do not think there has been any change in circumstances. Though Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner would invite us to go into the question of classification of user of land, we do not think we could do that exercising the power under Article 226 of the Constitution of India. Therefore, we dismiss the Writ Petition with liberty to the petitioner to approach the Debts Recovery Tribunal. The Bank will defer the sale by 15 days, without any further notice. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

Index : Yes / No

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Note:- Issue order copy on 24.09.2024.

[R.S.M., J.] [S.M., J.]

23.09.2024



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To:-

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and
SUNDER MOHAN, J.

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