



W.P.(MD)No.28955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.28955 of 2024

and

W.M.P.(MD)Nos.24525 & 24526 of 2024

S.Jeyaselvan

: Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Zonal Officer,
National Highways Authority of India (NHAI),
(Thoothukudi to Thirunelveli Highways),
Thoothukudi.

3.The Project Director,
National Highways N.H.No.7A,
Thirunelveli – 11,
Thirunelveli District.

4.S.Ponnambalam



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5.The Branch Manager,
Indian Bank Millerpuram Branch,
20M/3, 1st Street,
Subbaiahpuram, Tuticorin – 628 003.

6.J.Benny Joshua : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the sale intimation letter dated 21.08.2024 and the forfeiture notice dated 21.11.2024 and sale notice published in website www.ebkray.in dated 22.11.2024 order passed by the fourth respondent and quash the same and consequently direct the fourth and fifth respondents to release the petitioner's deposited amount a sum of Rs.17,52,500.00/- with due interest and to pay compensation.

For Petitioner : Mr.A.Joseph Jerry

For Respondents 1&2 : Mr.J.Ashok

Additional Government Pleader

For Respondent No.5 : Mr.C.Karthick

Standing Counsel

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



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2.This writ petition has been filed seeking to quash the sale intimation letter dated 21.08.2024 and the forfeiture notice dated 21.11.2024 and sale notice published in website www.ebkrray.in dated 22.11.2024 order passed by the fourth respondent and for a consequential direction to the fourth and fifth respondents to release the petitioner's deposited amount of a sum of Rs.17,52,500.00/- with due interest and to pay compensation.

3.Since an effective remedy lies before the Debts Recovery Tribunal, invoking the jurisdiction of this Court under Article 226 of the Constitution of India would not be permissible and hence, the Writ Petition stands dismissed, with liberty to the petitioner to work out his remedies in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[M.S.R.,J.] & [A.D.M.C.,J.]
06.12.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
W.P.(MD)No.28955 of 2024

06.12.2024