



W.P.(MD) No.9 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.9 of 2024
and W.M.P.(MD) Nos.3 and 4 of 2024**

Ananthammal @ Anandham

... Petitioner

-VS-

1.The Authorized Officer,
Punjab National Bank,
Devakottai Branch,
Devakottai,
Sivagangai District.

2.K.R.Pugazhenth

3.Jothi Manikandan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned auction notice dated Nil, of the 1st respondent in respect of the land in Survey No.44/37A3A1A1A, in Chinna Keeramangalam, Tiruvadanai Taluk, Ramanathapuram District and to quash the same and consequently to direct



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the 1st respondent to issue notice with correct particulars in respect of the property of the respondents Nos.2 and 3, described in the title deed i.e., sale deed in document No.925/1978 dated 22.07.1978 within the time limit, prescribed by this Court.

For Petitioner : Mr.S.Jeyakarthik

For Respondents : Mr.C.Deepak, Standing Counsel for R1

ORDER

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

The Writ Petition has been filed challenging the auction notice of the 1st respondent, issued in respect of the land in Survey No.44/37A3A1A1A, in Chinna Keeramangalam, Tiruvadanai Taluk, Ramanathapuram District, and consequently, to direct the 1st respondent to issue notice with correct particulars in respect of the property of the respondents Nos.2 and 3, described in the title deed i.e., sale deed in document No.925/1978, dated 22.07.1978

2. According to the petitioner, the property in question viz., Survey No.44/37A3A1A1A, in Chinna Keeramangalam, Tiruvadanai Taluk, Ramanathapuram District, belongs to the writ petitioner. The said property has not been mortgaged by the second respondent with the first respondent bank.



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However, while issuing patta there is a mistake in the revenue records by wrongly mentioning Survey No.44/2C as belongs to the petitioner instead of Survey No. 44/2B. In the said circumstances, the petitioner filed appeal before the Revenue Divisional Officer, Ramanathapuram, but the same was rejected, directing the petitioner to approach the competent civil Court. The petitioner has also filed a suit and the same is pending. In that circumstances, the property of the petitioner has been brought for sale as if it belongs to her father.

3. The Writ Petition is strongly opposed by the learned Standing Counsel for the first respondent on the ground that the Writ Petition is not maintainable and if the petitioner has got any grievance, with regard to the property in question, the remedy for the petitioner is to go before appropriate forum.

4. A perusal of the impugned notice would show that it is not a sale notice. In the said notice, there is no particular is furnished, in consonance with the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. More particularly, there is no mention



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about the date of auction. In such circumstances, the said notice cannot be construed as a sale notice. It is only a notice calling the intending purchasers to contact the bank for visiting the property in question.

5. Therefore, we are of the view that if the petitioner is aggrieved by any further proceeding issued in consonance with the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, it is for her to challenge the same before the competent forum.

6. For all the above reasons, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
03.01.2024

Index : Yes / No
Internet : Yes / No
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