



W.P.No.17580 of 2025

WEB COPY

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.06.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.P.No.17580 of 2025**

Canara Bank,  
Represented by its Authorised Officer,  
Nadupalayam Branch,  
Vellottam Parappu Post,  
Pasur Via,  
Erode District - 638 154.

... Petitioner

Vs.

1. The District Collector,  
Erode District.
2. The Tahsildar,  
Kodumudi Taluk,  
Erode District.
3. The Superintendent of Police,  
Erode District.
4. The Inspector of Police,  
Malayampalayam Police Station,  
Malayampalayam, Erode District.
5. S.Sethupathy

... Respondents



W.P.No.17580 of 2025

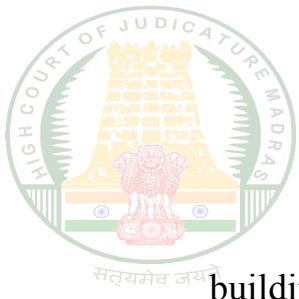
WEB COPY

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus, to direct the second respondent to remove the obstruction caused by the fifth respondent for issuance of individual patta by conducting survey of the property namely, M tiled A C Sheet building with land measuring 8580 sq.ft (Item 1 - 2046 sq.ft, Item No.2 - 6534 sq.ft) & building measuring 1798.68 sq.ft situated at Door No.8, Vellottamparappu, Karur Bypass Road, Nadupalayam, New S.F.No.185, Sub Division No.185/3, Old S.F.No.56, Patta No.333 Punjaikolanalli Village, Kodumudi Taluk, Erode District in the name of Mr.S.Sethupathy.

|                 |   |                                                                                                                |
|-----------------|---|----------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : | Mr.B.Vighesh                                                                                                   |
| For Respondents | : | Mr.Mohamed Sathik<br>Government Advocate for R1 & R2<br>Mr.R.Kishore Kumar<br>Govt.Advocate(Crl.Side)forR3& R4 |

## ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to issue individual patta and conduct survey of the property viz., M tiled A C Sheet building with land measuring 8580 sq.ft (Item 1 - 2046 sq.ft, Item No.2 - 6534 sq.ft) &



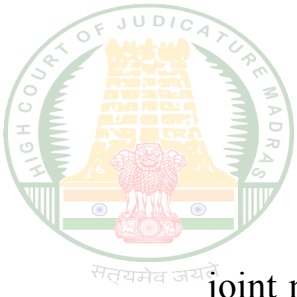
W.P.No.17580 of 2025

WEB COPY

building measuring 1798.68 sq.ft situated at Door No.8, Vellottamparappu, Karur Bypass Road, Nadupalayam, New S.F.No.185, Sub Division No.185/3, Old S.F.No.56, Patta No.333 Punjaikolanalli Village, Kodumudi Taluk, Erode District.

2. By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed, notice to fifth respondent is dispensed with.

3. One Ranjith Kumar and Divya represented by their father, viz., fifth respondent, who is the co-applicant, availed educational loan from the petitioner Bank which the fifth respondent but failed to repay. Pursuant to the same, SARFAESI proceedings were initiated and symbolic possession was taken. Thereafter, the property was brought to auction and sale certificate was also issued to the successful bidder. When the sale certificate was presented for registration, the Sub Registrar concerned refused to register the same on the ground the patta in respect of the property is in the



W.P.No.17580 of 2025

WEB COPY

joint name of the fifth respondent and his brother, Palanisamy and directed the Bank to produce individual patta. Petitioner Bank requested the second respondent to conduct survey of the property. However the survey was not conducted. Hence, the petitioner is before this Court.

4. It is pointed out by learned Government Advocate appearing for respondents 1 & 2 that if the petitioner takes out an appropriate online application and pays the necessary fee, the survey would be carried out within a time frame that may be stipulated by this Court.

5. It is further submitted by the learned Government Advocate that in case Police protection is required, respondents 1 & 2 would request the fourth respondent. When this was pointed out, the learned Government Advocate, appearing for respondents 3 & 4 would submit that if any such request is made, adequate police protection will be granted.

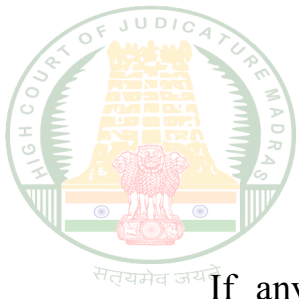


W.P.No.17580 of 2025

WEB COPY

6. In response, learned counsel for petitioner would agree to pay the necessary charges in respect of New S.F.No.185, Sub Division No.185/3, Old S.F.No.56, Patta No.333 Punjaikolanalli Village, Kodumudi Taluk, Erode District

7. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to petitioner to submit an application to respondents 1 & 2 and pay necessary fee in respect of New S.F.No.185, Sub Division No.185/3, Old S.F.No.56, Patta No.333 Punjaikolanalli Village, Kodumudi Taluk, Erode District within a period of four weeks from the date of receipt of a copy of this order. On receipt of such payment, respondents 1 & 2 shall conduct survey and then consider the request for separate patta and pass appropriate orders within a period of four weeks from the date of receipt of a copy of such payment after affording reasonable opportunity of hearing to petitioner, fifth respondent, adjacent land owners and other interested parties. It is open to respondents 1 & 2 to request for police protection before fourth respondent.



W.P.No.17580 of 2025

WEB COPY

If any such request is made, fourth respondent is directed to provide adequate police protection for conducting the survey. It is made clear that this Court has not expressed any view with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law.

8. Accordingly, this Writ Petitions stands disposed of. However, there shall be no order as to costs.

**04.06.2025**

NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No

vji



W.P.No.17580 of 2025

WEB COPY

To

1. The District Collector,  
Erode District.
2. The Tahsildar,  
Kodumudi Taluk,  
Erode District.
3. The Superintendent of Police,  
Erode District.
4. The Inspector of Police,  
Malayampalayam Police Station,  
Malayampalayam, Erode District.



WEB COPY



W.P.No.17580 of 2025

**MOHAMMED SHAFFIQ, J.**

vji

**W.P.No.17580 of 2025**

**04.06.2025**