



W.P.(MD)No.3417 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.3417 of 2022

M.Selvi

... Petitioner

/Vs./

1. *****

1.The Manager,
Housing Development Finance Corporation Ltd.,
No.75, 1st Floor, 5/A, Raja Towers,
Opp. To Palai Bus Stand, Palayamkottai,
Tirunelveli District – 627 002.

2.P.Veeramani

... Respondents

(R1 is deleted and the ranks of R2 and R3 are rearranged as R1 and R2 vide order of this Court 05.06.2023.)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the respondent No.1 to take appropriate steps based on the representation dated 05.02.2022 made by the petitioner within time stipulated by this Court.



W.P.(MD)No.3417 of 2022

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.S.Shanmugavel (R1)
Additional Government Pleader
Mr.N.S.Karthikeyan (R2)

ORDER

This writ petition has been filed seeking for a direction to the District Collector, Tirunelveli District, who was ranked as the first respondent to take appropriate action on the petitioner's representation dated 05.02.2022 seeking for lease amount from the second respondent.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner is a lessee in the premises owned by the second respondent herein. The second respondent availed loan by mortgaging the said property with the first respondent. Thereafter, the second respondent committed default and the first respondent had taken action under SARFAESI Act and auctioned the property, due to which, the



W.P.(MD)No.3417 of 2022

petitioner vacated the premises. Now, the petitioner sought for the lease amount which was paid to the second respondent.

4. Pending writ petition, this Court deleted the District Collector, Tirunelveli District, who was ranked as the first respondent, as he is not a necessary party to this writ petition. Therefore, the claim of the petitioner in this writ petition is not maintainable and the petitioner ought to have approached the civil Court for appropriate relief as against the second respondent in the manner known to law. This writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

22.01.2025

Index : Yes / No
NCC : Yes / No
Sm

TO:-

1.The Manager,
Housing Development Finance Corporation Ltd.,
No.75, 1st Floor, 5/A, Raja Towers,
Opp. To Palai Bus Stand, Palayamkottai,
Tirunelveli District – 627 002.



WEB COPY



W.P.(MD)No.3417 of 2022

G.K.ILANTHIRAIYAN, J.

Sm

Order made in
W.P.(MD)No.3417 of 2022

Dated:
22.01.2025