



W.P.(MD).No.4915 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.4915 of 2025

K.Velurajan

... Petitioner

Vs.

1.The Bank Manager,
Indian Bank,
Tirunelveli Junction Branch,
Tirunelveli - 627 001.

2.The Assistant Commissioner,
Thachanalur Zone,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to remit the pending Property Tax Assessment No.146/030/904003 and 146/030/904004 for the said Door Nos.61A and 61B in the light of the 2nd respondent proceedings dated 22.07.2024 in Na.Ka.No.A4/1790/2024 within a time frame as may be fixed by this Court.

For Petitioner	: Mr.Aayiram K.Selvakumar
For R-1	: Mr.C.Karthik
For R-2	: Mr.S.P.Maharajan Special Government Pleader



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ORDER

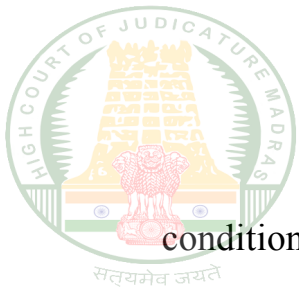
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(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The Writ of Mandamus has been instituted to direct the first respondent to remit the pending property tax Assessment Nos.146/030/904003 and 146/030/904004 for the said Door Nos.61A and 61B in the light of the proceedings of the second respondent dated 22.07.2024 in Na.Ka.No.A4/1790/2024 within a time frame as may be fixed by this Court.

2. The property belonged to Mr.Rama Sudarsan was brought to auction under the SARFAESI Act through notification dated 02.03.2024. The petitioner was a successful bidder and paid the entire bid amount of Rs.1,18,10,000/-. Sale certificate was issued under the SARFAESI Rules. The grievance of the petitioner is that the Tirunelveli Municipal Corporation demanded property tax, which must be paid by the first respondent Bank. The petitioner is not liable to pay the property tax for the property purchased by him through the e-auction sale.

3. Admittedly, the petitioner purchased the property through open auction conducted under the provisions of the SARFAESI Act and Rules. Terms and



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conditions stipulated and the contractual obligations require an elaborate adjudication for the purpose of fixing liability. Such an adjudication on disputed facts cannot be entertained by the Writ Court under Article 226 of the Constitution of India. Since sale certificate was issued, the title was transferred in favour of the petitioner. Once the title is transferred and the petitioner claims ownership, it is for him to approach the competent forum for the purpose of adjudication of disputed issues, if any exist between the bank and the petitioner. Contrarily, Writ Court cannot conduct a roving enquiry nor adjudicate the issues regarding to liability of the petitioner or the Bank, as the case may be.

4. In view of the above factum, the petitioner is at liberty to approach the competent forum or Civil Court of law, as the case may be, for redressal of his grievances. However, the Writ Petition is not maintainable and therefore, stands dismissed. There shall be no order as to costs.

(S.M.S.,J.) (A.D.M.C.,J.)
06.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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