



W.P.(MD) No.9517 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.9517 of 2025

and

W.M.P.(MD)No.7114 of 2025

M/s.Vistaar Financial Services Private Limited,
Rep. by its Authorized Officer,
A.Karthikeyan

... Petitioner

-Vs-

1.K.Prabhakaran
2.P.Manimegalai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order passed by the Chief Judicial Magistrate Court, Theni in CrI.M.P.No.1707 of 2023, dated 17.05.2023.

For Petitioner : Mr.M.Kannan



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ORDER

[Order of the Court was made by *S.SRIMATHY, J.*]

The petitioner Financial Institution has filed an application in CrI.M.P.No.1707 of 2023 before the learned Chief Judicial Magistrate, Theni for taking physical possession of the property belongs to the respondents. However, the said application was dismissed on the ground that the land in question is the agricultural land, therefore, the application cannot be entertained.

2.The contention of the petitioner is that it is not an agricultural land used for agricultural activities, but it is used for poultry farm. To establish the same, the petitioner as well as the borrower have to let in evidence. Without such evidence, the learned Chief Judicial Magistrate, Theni cannot come to such conclusion straightaway. Therefore, we set aside the impugned order and remit the matter back to the learned Chief Judicial Magistrate, Theni for fresh consideration. The petitioner as well as the borrower are directed to let in evidence to substantiate their claim. The learned Chief Judicial Magistrate, Theni shall pass orders within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 3. With this direction, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
04.04.2025

NCC : Yes / No
Index : Yes / No

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