



W.P.No.44090 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

CORAM :

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.44090 of 2025

and

W.M.P.Nos.49207, 49208 & 49209 of 2025

K.Sambath

... Petitioner

Vs.

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The District Revenue Officer,
Tiruppur District, Tiruppur.
- 3.The Revenue Divisional Officer,
Tiruppur District, Tiruppur.
- 4.The Thasildar,
Tiruppur North Taluk,
Tiruppur District.
- 5.The Authorized Officer,
State Bank of India,
Stressed Assets Management Branch,
Coimbatore.

6.Binay Kumar Gupta

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in proceeding Ne.Mu.2023/32/01/000648SD dated 19.10.2023 and quash the same as illegal and consequently direct the 4th respondent to conduct proper enquire and conduct survey of the property comprised in S.F.No.112 to an extent of 3 Acre 47 cents, S.F.No.115/1 to an extent of 23 cents, S.F.No.116/2 to an extent of 17 cents, S.F.No.117 to an extent of 1 acre 13 cents, S.F.No.113/1 to an extent of 2 acre 29 cents, S.F.No.99 to an extent of 1 acre 96 cents, S.F.No.111/2 to an extent of 4 cents, S.F.No.111/3 to an extent of 14 cents and S.F.No.118/1 to an extent of 1.90 cents, S.F. No.110 to an extent of 1 acre 19 cents, S.F.No.111/1 to an extent of 0.2 cents, S.F.No.111/4 to an extent of 57 cents, S.No.116/1 to an extent of 0.44.50 cents, and S.F.No.116/3A2 to an extent of 0.14.60 cents in Pongupalayam Village, Tiruppur Taluk, Tiruppur District to issues separately patta.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.S.Arumugam

Government Advocate [R1 to R4]

Mr.M.L.Ganesh [R5]

Mr.N.Sasank Iyer [R6]

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 4th respondent, dated 19.10.2023, granting patta in the name of the borrower.



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2. In a DRT auction sale, the 6th respondent has purchased the subject property and physical possession of the property has also been handed over to the 6th respondent pursuant to the orders passed u/s 14 of the SARFAESI Act. The said fact is also not disputed.

3. The petitioner claims that erroneously and illegally, patta was issued in the name of the borrower by the 4th respondent under the impugned order, dated 19.10.2023. The said contention of the petitioner has been strongly denied by the 6th respondent as seen from the counter filed before this Court.

4. According to the 6th respondent, he is the lawful owner of the property having purchased the same through SARFAESI sale conducted by the 5th respondent.

5. The 5th respondent is yet to file their counter. However, the learned counsel for the 5th respondent would support the case of the 6th respondent. He would submit that the 6th respondent has been put in



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possession of the property pursuant to the SARFAESI sale and there exist a building over the property, which is presently occupied by the 6th respondent.

6. However, according to the learned counsel for the petitioner, insofar as S.No.116/3A , which is the subject matter of this writ petition, which is also the subject matter of the property said to have been purchased by the 6th respondent, does not have any building. The same is disputed by the learned counsel for the 5th respondent as well as by the learned counsel for the 6th respondent.

7. This Court is not expressing any opinion on the merits of the respective contentions.

8. It is an admitted fact that the petitioner has already given a representation to the 3rd respondent on 02.05.2025 aggrieved by the impugned order, dated 19.10.2023 passed by the 4th respondent seeking to set aside the impugned order, dated 19.10.2023, through which, the borrower was granted patta for the subject property, whose property was



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brought for sale by SARFAESI sale. Since the petitioner has already preferred a representation, which is in the nature of statutory appeal before the 3rd respondent aggrieved by the impugned order, dated 19.10.2023 passed by the 4th respondent, necessarily, the petitioner will have to agitate his grievance only before the 3rd respondent. The petitioner is having the benefit of an order of interim *status quo* passed in his favour in this writ petition. Since the petitioner is having such a benefit, the petitioner will have to be protected till the final orders are passed on the petitioner's appeal, dated 02.05.2025, which is pending on the file of the 3rd respondent. As observed earlier, this Court is not expressing any opinion on the merits of the petitioner's representation/appeal pending before the 3rd respondent.

9. No prejudice would be caused to the parties, if a direction is issued to the 3rd respondent to dispose of the petitioner's appeal, dated 02.05.2025, within a time to be fixed by this Court, after hearing the objections of the respondents 5 and 6 and by adhering to the principles of natural justice.



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10. For the foregoing reasons, this Writ Petition is disposed of, by directing the 3rd respondent to pass final orders on merits and in accordance with law, on the petitioner's representation/appeal, dated 02.05.2025 challenging the impugned order, dated 19.10.2023 passed by the 4th respondent, after hearing the objections, if any, from the respondents 5 and 6 and by adhering to the principles of natural justice, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till final orders are passed by the 3rd respondent, the order of *status quo* granted by this Court in this writ petition, which is in force till today, shall stand extended. While passing the final orders, the 3rd respondent shall pass the same uninfluenced by any of the observations made by this Court in this order. No costs. Consequently, the connected miscellaneous petitions are closed.

02.02.2026

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp



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ABDUL QUDDHOSE, J.

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