



W.P.(MD) No.14335 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2026

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD)No.14335 of 2026
and
WMP(MD)No.10760 of 2026**

Meenakshi

... Petitioner

Vs.

1.The Branch Manager
Indian Bank
Madhukur Branch
Madhukur
Pattukottai Taluk
Thanjavur District.

2.The Superintendent of Police
Thanjavur District
Thanjavur.

3.State Represented through
The Inspector of Police
Madhukur Police Station
Madhukur
Pattukottai Taluk
Thanjavur District.



W.P.(MD) No.14335 of 2026

WEB COPY

4.Jahabar Ali

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the 1st respondent from evicting the petitioner and her family from petitioner's dwelling house and destroying the standing paddy crops before harvesting situated in survey Nos.39/1A, 39/1B and 54C/1 at Kanniyakurichi Village, Pattukottai Taluk, Thanjavur District, without following any due process of law and without affording adequate opportunity, on the basis of the petitioner's representation dated 18.05.2026.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.T.Senthil Kumar - for R2 & R3
Additional Public Prosecutor

ORDER

(Order of the Court was made by D.Bharatha Chakravarthy, J.)

This writ petition is filed for a Mandamus, forbearing the first respondent from evicting the petitioner and her family from the petitioner's dwelling house and destroying the standing paddy crops before harvesting situated in survey Nos.39/1A, 39/1B and 54C/1 at Kanniyakurichi Village,



W.P.(MD) No.14335 of 2026

Pattukottai Taluk, Thanjavur District,

2. The learned counsel for the petitioner would submit that when the petitioner is in possession and enjoyment of the property, especially when standing crops are there possession should not be permitted to be taken. Earlier when the petitioner challenged the proceedings of the Debts Recovery Tribunal, even part payment of Rs.3,00,000/- was also made. Without considering any of the same, now the possession is sought to be taken and therefore, the petitioner is before this Court.

3. We have considered the said submissions made by the learned counsel for the petitioner and perused the material records of the case.

4. It can be seen that one Vidhya, Advocate has been appointed as the Advocate Commissioner by the order of the Debts Recovery Tribunal-III, Chennai made in DRC No.3 of 2012 in O.A.No.100 of 2011 for taking possession, in respect of the very same properties. It can be seen



W.P.(MD) No.14335 of 2026

that after the decree was passed in O.A.No.100 of 2011 and recovery certificate was granted by way of debt recovery proceedings under the Recovery of Debts Due to Banks and Financial Institutions Act, the property was sold in the year 2016 and now Commissioner is appointed to take possession. Under these circumstances, no further indulgence can be granted by this Court to the petitioner. The sale certificate is issued in the year 2016. Already the auction purchaser purchased the property and we are now in the year 2026.

5. The learned counsel would submit that the Commissioner is trying to take possession of certain extent of lands which are not part of the sale also. If possession in excess of the land sold is taken, it will always be open for the petitioner to approach the very same Debts Recovery Tribunal by way of appropriate interlocutory application and the same will be considered by the Debts Recovery Tribunal - III, Chennai. As the actions of the Advocate Commissioner being the officer of the Court cannot be tested in other proceedings, but in the very same proceedings. With the said liberty kept open to the petitioner, the prayer made in the writ petition cannot be



W.P.(MD) No.14335 of 2026

countenanced and as such the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(D.B.C., J.) (R.P., J.)
20.05.2026

Index : Yes /No
Internet : Yes / No
NCC : Yes /No
rm



W.P.(MD) No.14335 of 2026

WEB COPY

To

1.The Branch Manager
Indian Bank
Madhukur Branch
Madhukur
Pattukottai Taluk
Thanjavur District.

2.The Superintendent of Police
Thanjavur District
Thanjavur.

3.State Represented through
The Inspector of Police
Madhukur Police Station
Madhukur
Pattukottai Taluk
Thanjavur District.



WEB COPY



W.P.(MD) No.14335 of 2026

D.BHARATHA CHAKRAVARTHY, J.
and
R.POORNIMA, J.

rm

Order made in
W.P(MD)No.14335 of 2026
and
WMP(MD)No.10760 of 2026

20.05.2026