

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI  
and  
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.37212 of 2015

1.V.Ganapathy  
2.S.Baskaran

... Petitioners

Vs.

The Authorized Officer,  
Indian Bank, Main Branch,  
T.K.M. Complex, Katpadi Road,  
Vellore - 632 004.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to take vacant possession and delivery of the property being land and building bearing New Door No.67 (Old Door No.33), Jayarama Chetty Street, Vellore Town, Vellore Taluk and District and to deliver physical possession of the same to the petitioners pursuant to the sale under SARFAESI Act.

For Petitioners ... Mr.P.Ilaiarajkumar  
for M/s.Ramalingam and  
Associates

For Respondent ... Mr.V.Kalyanaraman  
for M/s.Aiyar and Dolia

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.Seeking a direction to the respondent to take vacant possession of the property bearing New Door No.67 (Old Door No.33), Jayarama Chetty Street, Vellore Town, Vellore Taluk and District and to deliver physical possession of the same to the

petitioners pursuant to the sale under SARFAESI Act, the present writ petition has been filed.

3.It is the case of the petitioners that they have purchased the property in question in the public auction conducted by the respondent/Bank and they are entitled to possession of the said property. Hence a representation was made by the petitioners on 29 July 2015 seeking delivery of possession. Since no action has been taken by the respondent/Bank till date, the petitioners sought for a direction to the respondent/Bank to consider their representation and take necessary steps to handover the possession of the property.

4.Learned counsel appearing for the respondent/Bank submits that no decision could be taken on account of certain developments. Be that as it may, we are not inclined to make any observation in respect of entitlement of the petitioners and as such, no direction to the extent be passed. However, we direct the respondent to consider the representation of the petitioners dated 29 July 2015 and pass appropriate orders on its own merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

mmi

To

The Authorized Officer,  
Indian Bank, Main Branch,  
T.K.M. Complex, Katpadi Road,  
Vellore - 632 004.

1 cc to M/s. Aiyar and Dolia, Advocate, Sr. 66064  
2 ccs to M/s. Ramalingam Associates, Sr. 66164

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