

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.2693 of 2016

M. Venkatachalam

Petitioner

Vs.

- 1 The Authorised Officer  
Central Bank of India  
Zonal Office, No.14/15  
Variety Hall Road  
Coimbatore 641 001
- 2 The Senior Manager  
Central Bank of India  
Brough Road  
CSI Church Complex  
Erode Branch 638 001
- 3 The District Collector-cum-District Magistrate  
Office of the Collectorate  
Erode 602 001
- 4 N. Vijayakumar

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first and second respondents to take appropriate steps under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to secure physical possession and hand over the vacant possession of the schedule mentioned property to the petitioner.

| Survey No./Site No.                                                                                                                                                                                         | Extent of Areas                                  | Location                                                 | Boundaries                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Old Survey No.87<br>Re-survey No.126/4D<br>Ward No.18<br>Old Door No.87<br>Door No.64<br>S.C. No.483<br>Assessment No.5555<br>Periyasemur Village<br>Surampatti Sub-Registration Office<br>Ellapalayam Road | 1845 sq. ft. land and terraced buildings therein | Within the limit of Periyasemur Third Grade Municipality | To the South of front yard property of Dharmalingam<br><br>To the North of E.P. Subramania Gounder Vakaiyara lands<br><br>To the West of 30 ft. breadth South-North road<br><br>and<br><br>To the East of Dharmalingam's property within this an extent of 1845 sq. ft. with terraced buildings with doors, rooms, fittings with all road way rights therein. |

For petitioner Mr. J. Saravana Kumar

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

The petitioner seeks a direction to respondents 2 and 3/bank to file an appropriate application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002) (for short "the SARFAESI Act") to secure physical possession of the secured asset and handing over vacant possession to him.

2 At the threshold, it is to be pointed out that the respondent bank cannot be directed to make an application under Section 14 of the SARFAESI Act, at the instance of the petitioner, who is stated to be an auction purchaser. It is for the respondent bank to secure possession of the property in question and hand over the same to the petitioner, if he is entitled to possession of the same. At the instance of a third party, the respondent bank cannot be directed to make an application for securing possession of the secured asset and hand over the same to him.

The writ petition is accordingly dismissed as not maintainable.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Authorised Officer  
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1 cc to Mr.J. Saravankumar, Advocate, Sr. 4876

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KK (CO)  
kk 4/2

सत्यमेव जयते

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