



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.04.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.7330 of 2016

Mr.L.Robinson

... Petitioner

Vs.

1. The Chief Manager and Authoized Officer,
The State Bank of India,
SARB,
Trichy.

2.The Assistant Commissioner,
Commerical Tax Office,
Myilam Santhai(Range-II),
Trichy - 20.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent No.1 to discharge all the amount payable to the respondent No.2 and consequently to clear all the encumbrances due to the respondent No.2 relating to property in S.No.153/5 in Plot No.43(3362 sq. ft) situated at Gandhi Nagar, 2nd Street, Crawford, K.Abhisekapuram village, Trichy Taluk, Trichy forthwith within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

ORDER

The petitioner seeks for a Writ of Mandamus directing the first respondent to discharge all the amount payable to the second respondent and consequently to clear all the encumbrances due to the second respondent relating to property in S.No.153/5 in Plot No.43(3362 sq. ft) situated at Gandhi Nagar, 2nd Street, Crawford, K.Abhisekapuram village, Trichy Taluk, Trichy.

2. The case of the petitioner is that he is the auction purchaser in respect of the above stated property, pursuant to the sale under the SARFAESI Act and sale certificate was also issued on 31.03.2010. Now, it is stated that there is encumbrance about the property purchased by the petitioner as there is default by the first respondent. Hence, the petitioner has made a representation on 04.04.2016 calling upon the first respondent to



clear all the encumbrances due to the second respondent the Assistant Commissioner, Commercial Tax Office, Trichy, with respect to the property purchased by him. The same is said to be still pending.

3. Though the prayer in the Writ Petition is widely worded, the learned counsel for the petitioner has submitted that the petitioner would be satisfied if his representation, dated 04.04.2016 is directed to be disposed of within a stipulated time.

4. Accordingly, the first respondent is directed to consider the representation of the petitioner, dated 04.04.2016 and pass appropriate orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(Crl.side)

/True copy/

Sub AssistantRegistrar

To

1. The Chief Manager and Authoized Officer,
The State Bank of India,
SARB,
Trichy.

2.The Assistant Commissioner,
Commerical Tax Office,
Myilam Santhai(Range-II),
Trichy - 20.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.21359

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W.P(MD) No.7330 of 2016
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