

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.27075 of 2004

and

W.P.M.P.No. 32968 of 2004

D.Subash

.. Petitioner

vs.

1. The Deputy Registrar(Credit),
Central Registrar/Recovery Officer,
Chennai-600 020.

2. The Repatriates Co-operative Finance &
Development Bank Ltd.,
33, North Usman Road,
T.Nagar, Chennai-17.

3. V.P.Haleel Rahman

4. P.K.Shameena Sherin ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to deliver the vacant possession in respect of the property situated in Plot No.30, approved lay out No.131/79 in G.S.No.152/1A and 152/1B measuring an extent of 6 cents and 154 sq. ft. in Vadavalli Village, Coimbatore pursuant to the issuance of sale certificate in MSCS EP No.114/2003-2004 in ARC No.597/2002-2003 registered on 01.04.2004 to the petitioner forthwith.

For Petitioner : Mr.S.S.Swaminathan

For Respondents: Mr.Su.Srinivasan
Addl. Solicitor General of
India for R1
Mr.A.Ilangovan for R2
No appearance for R3 & R4

ORDER

This writ petition is filed seeking to direct the 1st and 2nd respondents to deliver the vacant possession in respect of the property situated in Plot No.30, approved lay out No.131/79 in G.S.No.152/1A and 152/1B measuring an extent of 6 cents and 154 sq. ft. in Vadavalli Village, Coimbatore pursuant to the issuance of sale certificate in MSCS EP No.114/2003-2004 In petitioner forthwith.

2. The learned counsel for the petitioner submitted that the respondents 3 and 4 obtained loan by mortgaging the subject property. Since they committed default in repaying the loan, the subject property was brought for sale. The petitioner was the highest bidder and he paid the entire bid amount. The sale certificate was also registered on 31.01.2004. But the petitioner was not given possession of the property, inspite of his repeated requests. Hence, this writ petition is filed seeking the aforesaid prayer.

3. Today, when the matter was taken up for final disposal, after several adjournments, an additional counter affidavit was filed by the 2nd respondent. In paragraph 2 of the additional counter affidavit it has been stated that during the inspection of the 2nd respondent it was ascertained that the petitioner is the owner of the subject property, as per the statement of one Mr. Gunasekaran, who is the tenant in the said property and that he is residing for the past eight years under the petitioner and that the electricity consumption card also stands in the name of the petitioner. It is further stated in the counter affidavit that the municipal records also shows the name of the petitioner, as the owner of the subject property.

4. In view of the additional counter affidavit filed by the 2nd respondent, the learned counsel for the petitioner requested this Court to record the same and close the writ petition, since nothing survives in this writ petition.

5. The additional counter affidavit dated 01.09.2017 shall form part of the records. Recording the above submissions of the learned counsel for both the parties and the statement of the 2nd respondent in the additional counter affidavit, this Writ Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Deputy Registrar(Credit),
Central Registrar/Recovery Officer,
Chennai-600 020.
2. The Repatriates Co-operative Finance &
Development Bank Ltd.,
33, North Usman Road,
T.Nagar, Chennai-17.

- + 1 cc to Mr. Su. Srinivasan, Advocate sR.63785
- + 1 cc to Mr. S.S. Swaminathan, Advocate SR.63706
- + 1 cc to Mr. A. Ilangovan, Advocate Sr.63994

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and
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SV(CO)
EU(09/11/2017)

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