



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 27.09.2018  
CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA**  
**AND**

**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P(MD)No.20567 of 2018

and

W.M.P.Nos.18308 to 18310 of 2018

Radhika

... Petitioner

vs.

1. The Assistant General Manager,  
Canara Bank,  
Circle Office, Madurai.
2. The Senior Manager,  
Canara Bank,  
Karaikudi Branch,  
Chekkalai Road,  
Karaikudi, Sivagangai District.
3. V.R.Indira
4. V.R.Vijayakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned sale certificate dated 11.03.2016 issued by the 1<sup>st</sup> respondent and to quash the same as illegal and further direct the respondents 1 and 2 to return back the sum of Rs.11,10,200/- collected from the petitioner as auction amount towards the same and nominal e-auction held on 29.02.2016 with interest.

|                 |                                    |
|-----------------|------------------------------------|
| For Petitioner  | : Mr.M.Veilkani Raju               |
| For Respondents | : Mr.Pala Ramasamy<br>for R1 to R3 |

**ORDER**

**(Order of the Court was made by T.RAJA, J.)**

This writ petition has been filed challenging the impugned sale certificate dated 11.03.2016 issued by the first respondent to quash the same as illegal with further direction to the respondents 1 and 2 to return back the sum of Rs.11,10,200/- with interest, which has been collected from the petitioner as auction amount.



2. Learned counsel for the petitioner, in support of the prayer, pleaded that as the petitioner's husband is serving as Gold Appraiser in the respondent Bank, the second respondent, namely, Senior Manager, Karaikudi Branch asked the petitioner to take part in e-auction proceedings conducted for selling the property bearing Door No.13 in Survey No.34/14 measuring 1061 sq.ft and another property in S.No.34/3A measuring 888 sq. ft. situated at Pudukkottai Main Road, Old Ward No.12 present Ward No.14, Palaiyur Village, Kandanur Panchayat Limit, Karaikudi No.I Joint Sub Registration District, Sivagangai District. Since the petitioner's husband is serving as Gold Appraiser as mentioned above, in an effort to continue his service, he was constrained to avail a sum of Rs.10 lakhs as loan and took part in the said auction. Finally, he was declared as successful bidder for which, he had to pay a sum of Rs.11,10,200/-. On payment of the entire amount, the first respondent also issued a sale certificate on 11.03.2016, which shows that the petitioner has become absolute owner of the property. Even after issuance of the sale certificate, they have not come forward to take further steps to hand over the physical possession of the property by executing the sale deed in the petitioner's name. Hence, he has given various representations on 14.09.2016 and 18.10.2016 for execution of registered sale deed. But till date, without passing any orders, both the respondents 1 and 2 are sleeping over the matter. As a result, the petitioner is not able to enjoy the fruits of becoming the successful bidder and he has also parted with huge amount of Rs.11,10,200/-. Hence, the sale certificate issued in favour of the petitioner may be cleared and further direction be issued to return the money to the petitioner.

3. It is at this stage, Mr.Pala Ramasamy, learned counsel for the respondent Bank, submitted that it is the petitioner, after receiving the sale certificate issued by the respondents 1 and 2 being the real estate owner unable to find a suitable buyer for the property, in view thereof, has made representations to recall the sale certificate and pay back the entire money, which is not permissible, that too, after keeping quiet for more than two years and six months. In any event, as the petitioner has made allegation before this Court against the respondents that the bank is dodging the request of the petitioner in not executing the registered sale deed, after issuing the sale certificate on 29.02.2016, to disprove the said allegation, the bank, namely, the respondents 1 and 2 are ready to execute the sale even by tomorrow itself.

4. Learned counsel for the petitioner submitted that the petitioner is prepared to accept the suggestion made by the learned counsel for the respondents 1 and 2 and the petitioner was prepared to go along with the authorized officer to the office of the Joint Sub Registrar, No.I, Sivaganga for



registration of the sale deed in respect of the said property for which, the sale certificate has been issued.

5. Placing on record the submission made by the learned counsel for the parties, the respondents 1 and 2 are hereby directed to nominate a suitable officer to execute the sale deed on the basis of the sale certificate issued within a week's time. Since the authorized officer is not impleaded as party respondent, let the respondents 1 and 2 instruct the authorized officer to do the needful for registration of the sale and the petitioner is also directed to carry the sale certificate and other documents enabling smooth registration of the sale.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Assistant General Manager,  
Canara Bank,  
Circle Office, Madurai.
2. The Senior Manager,  
Canara Bank,  
Karaikudi Branch,  
Chekkalai Road,  
Karaikudi, Sivagangai District.

+1cc to Mr.M.Veilkani Raju, Advocate Sr.No.87449

RR

VB/SKN/SAR4/26.10.2018/3P/4C

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