

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.16615 of 2018
and
W.M.P.No.19783 of 2018

State Bank of India,
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore-641 037,
Rep. by its Asst. General Manager. .. Petitioner

..Vs..

The Tahsildar,
Office of Kangeyam Taluk Office,
Naal Road, Kangeyam. .. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to act on the representation of the petitioner dated 21.02.2018 and conduct survey of the entire filed in S.F.No.292, Old S.F.No.82 of Padiyur Village, Kangeyam Taluk, Thirupur District, and demarcate the land as per Doc. No.1463/1996 dated 15.07.1996, which is the mortgaged property in the hands of the petitioner.

For Petitioner : Mr.P.Elaya Kumar for
M/s.Ramaligam & Association

For Respondent : Mr.N.Inbanathan
Additional Government Pleader.

W E B C O P Y
O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondent to act on the representation of the petitioner dated 21.02.2018 and conduct survey of the entire filed in S.F.No.292, Old S.F.No.82 of Padiyur Village, Kangeyam Taluk, Thirupur District, and demarcate the land as per Doc.No.1463/1996 dated 15.07.1996, which is the mortgaged property in the hands of the petitioner.

2.The learned counsel for the petitioner stated that the Authorized Officer of the petitioner Bank proceeded further and issued a Possession Notice under Section 13(4) of the SARFAESI Act thereby took symbolic possession of the above said property by complying with the statutory provisions. Further the aforesaid mortgaged property was brought for Auction Sale by the petitioner by publishing E-Auction sale Notice under the Provisions of SARFAESI Act and the Auction sale was conducted on 08.12.2017. Mr.N.Subhramaniyam and Mrs.S.Shanthi being the successful auction purchasers had paid the entire bid amount by complying with the terms and conditions of the auction sale. Accordingly, the petitioner has issued a Sale Certificate dated 09.01.2018, confirming the auction sale in favour of the said auction purchasers. However, since the entire field was sub-divided, sub division numbers provided different extents and in respect of S.F.No.292/2A, only an extent of 0.99 cents is recorded instead of 1.06 1/4 Acres. Therefore, the petitioner made a representation to the Thasildar, Kangayam on 21.02.2018, to arrange for survey of the entire field and demarcate the land as per the document.

3.Mr.N.Inbanathan, learned Additional Government Pleader takes notice for respondent.

4.Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents conceded to take survey of the land in S.F.No.292, if the petitioner pays the necessary fees to the surveyor.

5.Considering the facts and circumstance of this case, this Court directs the respondent to appoint a surveyor for surveying the land in S.F.No.292, Old S.F.No.82 of Padiyur Village, Kangayam Taluk, Thirupur District, and the petitioner is directed to pay the necessary fees to the surveyor. After conducting survey, the respondent shall pass an order in accordance with rules within a period of four weeks from the date of receipt of copy of this order.

6.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (JJ Act)

//True Copy//

Sub Assistant Registrar

tta

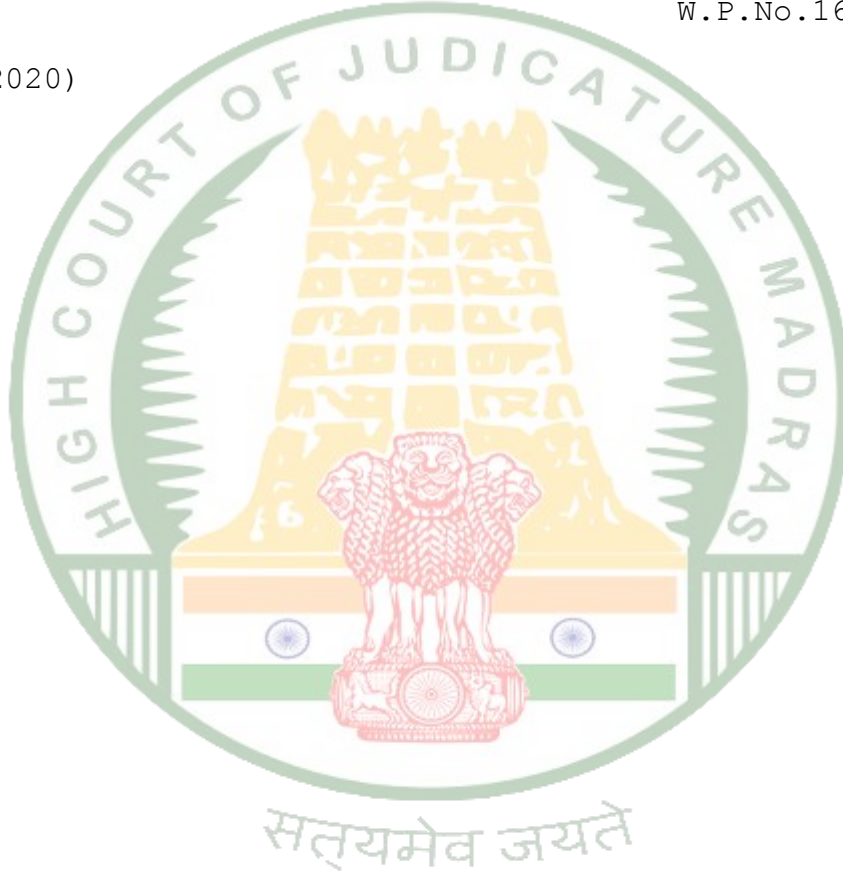
To

The Tahsildar,
Office of Kangeyam Taluk Office,
Naal Road, Kangeyam.

+1cc to Mr.Ramalingam & Associates, Advocate, S.R.No.100882
+1cc to the Government Pleader, S.R.No. 101184

W.P.No.16615 of 2018

NRL (CO)
GN (21/02/2020)



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