



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.31923 of 2018

R.Balasubramani

.. Petitioner

-vs-

1. The Authorised Officer,
Indian Bank, Conoor Branch,
Conoor.

2. The District Collector,
Ootacamund.

3. N.Sakthi

4. G.Geetha

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to hand over possession of the property measuring 103.48 sq. mtr. bearing Door No.83, Main Alwarpet, Conoor-643 101 to the petitioner in compliance of the Certificate of Sale dated 20.07.2017 vide E-Auction notification dated 06.7.2017 of the 1st respondent and its consequential Sale Deed dated 21.08.2017 under Registration No.40 of 2018.

For Petitioner

: Mr.AR.M.Arunachalam

For Respondents

: Mr.Kalyanaraman

for M/s.Aiyar & Dolia
for respondent No.1

Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.2

Mr.R.Y.George Williams
for respondent Nos.3 and 4



ORDER

(Order of the Court was made by M.Duraiswamy, J.)

WEB COPY The above writ petition has been filed by the petitioner to issue a Writ of Mandamus directing respondent Nos.1 and 2 to hand over possession of the property measuring 103.48 square metre bearing Door No.83, Main Alwarpet, Conoor-643 101 to the petitioner in compliance of the Certificate of Sale dated 20.07.2017 vide E-Auction notification dated 06.07.2017 of respondent No.1 and its consequential Sale Deed dated 21.08.2017 under registration No.40 of 2018.

2. The grievance of the petitioner is that though he had purchased the property in the E-Auction sale as early as 20.07.2017, the first respondent Bank has not handed over possession of the property so far. Further, the petitioner has stated that an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act') has been filed before respondent No.2/District Collector on 29.11.2017, however, respondent No.2 has not disposed of the same yet.

3. The learned counsel appearing for respondent No.1 submitted that respondent No.2/District Collector may be directed to dispose of the application filed under Section 14 of SARFAESI Act within a time frame.

4. The learned Government Advocate appearing for respondent No.2 submitted that such a direction can be given to respondent No.2.

5. Originally, respondent Nos.3 and 4 have entered appearance through Mr.P.Sureshbabu, Advocate. Respondent No.4, Mrs.G.Geetha, who is present in Court, submitted that respondent No.3 is her husband and they have engaged Mr.R.Y.George Williams, counsel, to appear on their behalf and that the writ petition may be disposed of on the basis of the submissions made by the learned counsel for the petitioner as well as the learned counsel for respondent Nos.1 and 2. Further, respondent No.4 has produced a copy of the order dated 02.07.2019 passed by the District Collector, The Nilgiris, Udthagamandalam, in respect of Section 14 application in Rc.B3/26809/2017. On a perusal of the same, we find that respondent No.2/District Collector has disposed of the application filed under Section 14 of the SARFAESI Act by directing the Tahsildar and the Taluk Executive Magistrate, Coonoor to take possession of the property from respondent Nos.3 and 4.



6. Since respondent No.2/District Collector, The Nilgiris, has already disposed of the application filed under Section 14 of the SARFAESI Act, the relief sought for in the writ petition has become infructuous. Accordingly, the writ petition is disposed of as infructuous. However, it is open to respondent Nos.3 and 4 to challenge the order of respondent No.2/District Collector, dated 02.07.2019, in accordance with law. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Authorised Officer,
Indian Bank, Conoor Branch,
Conoor.

2. The District Collector,
Ootacamund.

+1 cc to Mr.AR.M.Arunachalam, Advocate, S.R.No.63098

+1 cc to M/s.Aiyar & Dolia, Advocate, S.R.No.63147

+1 cc to Mr.R.Y.George Williams, Advocate, S.R.No.63593

+1 cc to the Government Pleader, S.R.No.63856

W.P.No.31923 of 2018

VBA(CO)
SSM(13/08/2019)