

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.4049 of 2020
and W.M.P.Nos.4782 & 4784 of 2020

E.Sujatha

.. Petitioner

Versus

1.The Chief Manager,
State Bank of India,
Retail Assets Central Processing Centre,
Block No.97, AF Block,
Ajantha Towers, 4th Avenue,
Shanthi Colony, Anna Nagar,
Chennai 600 040.

2.The Manager,
State Bank of India,
Mannadi Branch,
Chennai.

3.A.L.Kannan

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorarified Mandamus to call for the entire records of the respondents ending with their notice for e-auction sale notice dated 09.01.2020 and possession notice dated 26.09.2019 and quash the same and direct the respondents to consider the petitioner's representation dated 05.02.2020 for exclude her property of flat and her UDS land from the proceedings of the respondents' e-auction sale in accordance with law to secure the ends of justice.

For Petitioner :Mr.T.Vijay Shankar

For Respondent :Mr.Elayaraj Kumar
for M/s.C.S.Associates

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner claims to be a bonafide purchaser of 450 sq.ft in total extent of 2100 sq.ft in Plot No.3B, CMDA approved No.673/07/F dated 04.07.2007, comprised in S.No.119/1 at Mettu Street Extension, Sekkadu, Chennai 600071, vide registered Sale Deed dated 21.06.2013 in Doc.No.7846/2013 from one Mr.A.L.Kannan. It appears that Mr.A.L.Kannan had availed financial assistance from the respondent Bank and in view of the default committed, proceedings were initiated under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the entire extent of the property was brought for sale.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a bonafide purchaser of a smaller extent of land for value and consideration with notice of prior encumbrance and in fact she also availed financial assistance from the Bank of Maharashtra and since it is a residential property in which, the petitioner is residing with her family, prays for appropriate direction to release the said property.

3. Per contra, Mr.Elayarajkumar for M/s.C.S.Associates, learned standing counsel appearing for the respondents 1 and 2 on instructions would state that the Sale Deed of the petitioner came into being after submission of the security documents and whether the petitioner is the bonafide purchaser or not? cannot be gone into by this Court in exercise of it's jurisdiction under Article 226 of the Constitution of India and prays for dismissal of this Writ Petition.

4. At this juncture, learned counsel appearing for the petitioner on instructions seeks permission of this Court to withdraw this Writ Petition.

5. It is also brought to the knowledge of this Court by the learned standing counsel appearing for the respondent Bank that in the Auction Sale held on 20.02.2020, there were no bidders and seeks permission of this Court to withdraw the Writ Petition with a liberty to avail the alternative remedy and also made an endorsement to that effect.

6. In the light of the endorsement made, this Writ Petition is dismissed as withdrawn and the liberty sought for by the

petitioner is granted. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sk

TO

1.The Chief Manager,
State Bank of India,
Retail Assets Central Processing Centre,
Block No.97, AF Block,
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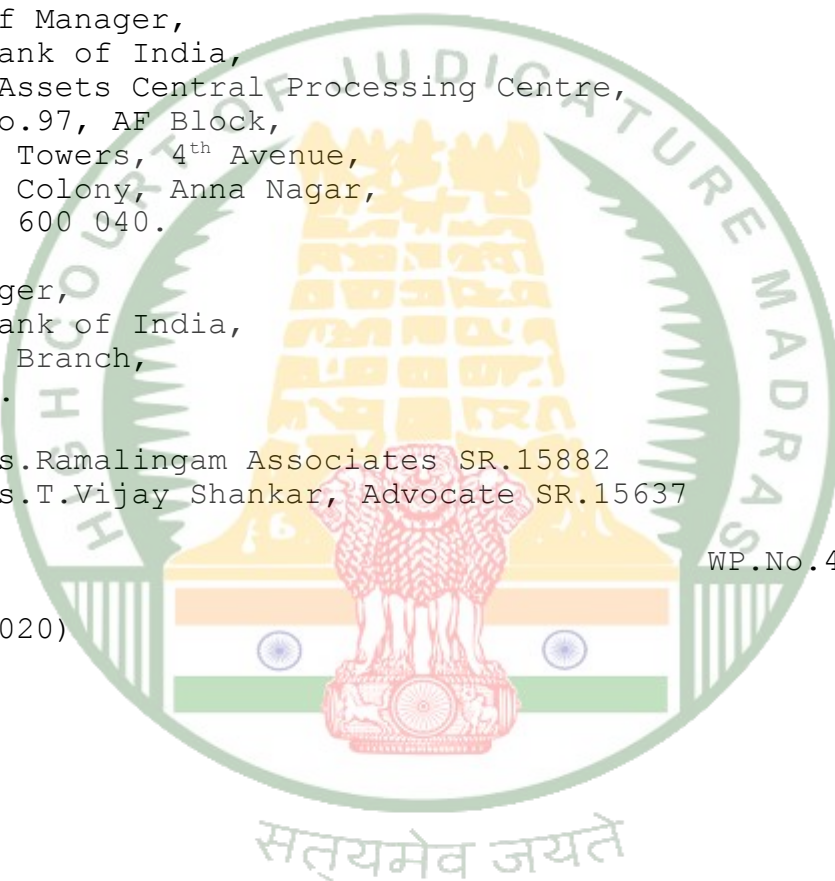
2.The Manager,
State Bank of India,
Mannadi Branch,
Chennai.

+2cc to M/s.Ramalingam Associates SR.15882

+1cc to M/s.T.Vijay Shankar, Advocate SR.15637

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RSI (CO)
CB(26/05/2020)



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