



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:24.08.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**

**and**

**THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

**W.P(MD)No. 9880 of 2020**

WEB COPY

M/s.Krishana Ganthi Pyrotech Factory,  
rep. By its Partner S.Maharani.

... Petitioner

Vs.

1.The General Manager,  
Indian Overseas Bank, Head Office,  
No.763, Mount Road, Anna Salai,  
Chennai-02.

2.The Regional Manager,  
Indian Overseas Bank,  
Regional Office,  
No.8/2, 8/3, 1<sup>st</sup> and 2<sup>nd</sup> floor,  
Chidhambaranagar,  
Chidhambaranagar post,  
Tuticorin District-02.

3.The Branch Manager,  
Indian Overseas Bank,  
Aruppukottai Branch,  
No.9, SBK School Road,  
Aruppukkottai,  
Virudhunagar District-01.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing 3rd respondent to furnish the certified copy of the sale certificate dated 26.11.2019 and other connected documents to the petitioner within a time limit that may be stipulated by this Hon'ble Court based on the petitioner's representation dated 13.08.2020 by waiving the limitation period to challenge under SARFEASI Act before the concerned Dept Recovery Tribunal (DRT) and pass such other orders.

For Petitioner : Mr.G.Thalaimutharasu  
For Respondents : Mr.N.Dilip Kumar  
Standing Counsel

**ORDER**

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

The petitioner has applied for a Micro Small and Medium Enterprises loan for the construction of a Fire Cracker Factory

<https://hcservices.ecourt.gov.in/tlservice/> respondent Bank in the year 2014 and also had



security in the form of immovable property and the petitioner, on account of the air pollution problem, could not conduct the business successfully and therefore, there was some delay in remitting the dues. Therefore, the third respondent declared the account of the petitioner as a Non Performing Account and initiated proceedings under the SARFAESI Act, fixing the auction sale on 07.07.2018, in which, the sum of the auction sale could not be fructified and in the subsequent auction held on 26.11.2019, the factory premises has been sold in favour of the third party, which according to the petitioner has been done without adhering to the relevant statutory provisions and rules framed thereunder. The petitioner, in order to make a challenge to the auction sale, required the particulars of the auction purchasers and in this regard, he also invoked the provisions of the Right to Information Act, 2005 and the same has been rejected by taking a stand that disclosure of information to the third party is exempted under Section 8(1) e of the Right to Information Act, 2005. Therefore, the petitioner, in this regard also submitted a representation dated 13.08.2020 praying for furnishing of the said information and since it has not been considered and disposed of, came forward to file this writ petition.

2. Heard the submissions of Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel, who accepts notice on behalf of the respondents.

3. The petitioner intends to make a challenge to the auction sale proceedings and therefore, he required the particulars of the auction sale purchasers. In the considered opinion of this Court, for making such kind of challenge, particulars of auction purchaser are also required, as the petitioner may challenge the said auction sale. Therefore, the respondents are under obligation to furnish the relevant particulars of the auction purchase to the writ petitioner.

4. In the result, the writ petition is disposed of. The third respondent is directed to furnish the particulars of the auction purchasers to the petitioner within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



VS

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The General Manager,  
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Chennai-600 002.

2.The Regional Manager,  
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Chidhambaranagar post,  
Tuticorin District-02.

3.The Branch Manager,  
Indian Overseas Bank,  
Aruppukottai Branch,  
No.9, SBK School Road,  
Aruppukkottai,  
Virudhunagar District-626 101.

+1 CC to Mr.G. THALAIMUTHARASU, Advocate ( SR-14830[F]  
dated 25/08/2020 )

+1 CC to Mr.N. DILIPKUMAR, Advocate ( SR-14846[F] dated  
25/08/2020 )

**W.P(MD)No.9880 of 2020**  
**24.08.2020**

KM (07.09.2020) 3P 6C