



WEB COPY

W.P(MD)No.18476 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.18476 of 2020

M.Boominathan

... Petitioner

Vs.

1.The Chief General Manager,
State Bank of India,
Local Head Office,
16, College Lane,
Nungambakkam,
Chennai - 600 006.

2.The Authorised Officer cum the Chief Manager,
State Bank of India,
Nehruji Nagar, Dindigul.

3.The District Collector,
Dindigul District,

4.The Superintendent of Police,
Dindigul District.

5.The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents to initiate action under Section 14 of SARFEASI Act to take physical vacant possession of the property bearing Survey Nos.678A/6 and 678A/7 measuring about 2902.5sq.ft situated in Chettinayakanpatti Village, Dindigul Taluk and District and to hand over the same to the petitioner.

For Petitioner

: Mr.A. Reghunathan
Senior Counsel
For Mr.G.Prabhu Rajadurai

For Respondent
Nos.1 & 2

: Mr.M.Ponnaiah

For Respondent
Nos.3 to 5

: Mr.R.Murugan,
Additional Government Pleader



ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

This writ petition has been filed seeking a writ of mandamus, directing the respondents to initiate action under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [in short 'SARFEASI Act'] to take physical vacant possession of the property bearing Survey Nos.678A/6 and 678A/7 measuring about 2902.5 Sq.Ft situated in Chettinayakanpatti Village, Dindigul Taluk and District and to hand over the same to the petitioner.

2.Heard the respective learned Counsel appearing for the parties on either side.

3.It is evident from the records, especially from the Confirmation of Auction Sale, dated 15.12.2017 that the petitioner is the successful bidder for a sum of Rs.59,75,000/-. The said amount was paid and sale certificate was also issued on 23.03.2018. Even though the petitioner paid the bid amount, as early as on 23.03.2018, no steps were taken by the Bank to give possession.

4. When the petitioner had already paid the bid amount, it is the duty of the Bank to seek an order under Section 14 of SARFEASI Act. Till now, the property is said to be in the possession of the borrower. Therefore, the 2nd respondent is directed to file a petition under Section 14 of the SARFEASI Act, before the 3rd respondent, within a period of two weeks from the date of receipt of a copy of this order and on such a filing, the 3rd respondent shall pass appropriate orders within a period of four weeks therefrom and thereafter, the possession should be handed over to the petitioner within a period of two weeks with Police protection.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



To

1.The Chief General Manager,
State Bank of India,
Local Head Office,
16, College Lane,
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Chennai - 600 006.

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4.The Superintendent of Police,
Dindigul District.

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Dhadikombu Police Station,
Dindigul District.

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-26353[F] dated
18/12/2020)

W.P (MD) No.18476 of 2020
17.12.2020

VB (28.12.2020) 3P 7C