



WEB COPY

W.P(MD)No.8105 of 2018

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

DATED : 05.02.2020

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**THE HONOURABLE MR.JUSTICE M.DURAISWAMY**

**AND**

**THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.P (MD)No.8105 of 2018**

Tamil Selvam

... Petitioner

Vs.

- 1.The Chief Manager,  
Authorized Officer,  
State Bank of India,  
State Bank of India RBOI,  
Administrative Office,  
Trichy - 1.
- 2.The Chief Authorized Officer,  
State Bank of Trivancore,  
Trichy District.
- 3.The Authorized Officer,  
State Bank of India,  
Trichy.
- 4.Antony Samy
- 5.The Branch Manager,  
State Bank of India,  
HAPP Township,  
Trichy - 5.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to put the petitioner in possession of the property in S.No.22/23, New S.No.97/35 to the extent of 4,644 sq. ft., including the house and vacant site situated at Poolangudi Village, Thiruverumbur Sub-Registrar District, Trichy District, on the basis of the Sale Certificate, dated 03.08.2017 issued by the first respondent under the SARFAESI Act within the time frame stipulated by this Court.

For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.P.Jeyaraman for R.1 to R.3 & R.5

Mr.R.Subramanian for R.4



**ORDER**

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

The petitioner/auction purchaser filed the above writ petition to issue a Writ of Mandamus to direct the first respondent to put the petitioner in possession of secured asset on the basis of the Sale Certificate, dated 03.08.2017 issued by them.

2. The learned Counsel for the first respondent/bank submitted that in view of the order of injunction granted by this Court in W.P(MD)No.18239 of 2017 restraining the first respondent/bank from dispossessing the borrower, the first respondent/bank could not take possession of the secured asset and hand over the same to the auction purchaser.

3. Since this Court had dismissed the writ petitions in W.P (MD)Nos.18239 and 17099 of 2017 today (05.02.2020), the learned Counsel for the first respondent/bank submitted that the first respondent would take appropriate steps to take possession of the property from the borrower and hand over the same to the auction purchaser in accordance with law.

4. Recording the submission of the learned Counsel for the first respondent/bank, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb

+1 CC to M/s.J.DAVID GANESAN, Advocate ( SR-5193[F] dated 07/02/2020

**W. P (MD) No. 8105 of 2018**  
**05.02.2020**

JMN(17.02.2020) 2P : 2C