



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11035 of 2021

1. Sabapathi Palanisamy

2. Selvakumari

.. Petitioners

Vs.

1.Punjab National Bank

Formerly Oriental Bank of Commerce

rep. by its Authorised Officer

C.G.Ranjith

434, Mayflower Arcade, Oppanakara Street

Coimbatore 641 001.

2.Chief Judicial Magistrate

Tirupur District Court Complex

Tirupur.

3.M/s. Ayyan Agencies

(Proprietor Shanmugam since deceased

rep. by LRs)

4.Kayalvizhi

5.S.Vivek

6.S.Deepika

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent or anybody concerned through them to hand over the physical possession of the property situate in S.F.No.328/2A, Site No.33, Door No.15/38B, 15/37C measuring an extent of 2400 sq.ft. in Avinashi Taluk & Village, Avinashi Sub Registration District, Tirupur District (Earlier Coimbatore District).



WEB COPY

For Petitioner : Mr.M.Ashwin Kumar

For Respondents : Mr.Rajendran Raghavan
for respondent-1

Mr.R.Thiruneelakandan
for respondent-5

ORDER

(Made by the Hon'ble Chief Justice)

This petition is by the auction-purchaser at a sale conducted under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the first respondent secured creditor. The grievance of the petitioner is that despite the petitioner being identified as the highest bidder and there being no impediment to the property being made over to the petitioner, the respondent bank has been slow in taking appropriate steps to deliver possession of the relevant immovable property to the petitioner.

2. The matter was previously adjourned on several occasions on the representation of the respondent bank that such bank had made a request under Section 14 of the Act of 2002 to the appropriate Chief Judicial Magistrate and was awaiting the disposal of such request. Pursuant to observations in one of the previous orders, the Chief Judicial Magistrate, Tirupur has disposed of the request by directing appropriate assistance.

3. Accordingly, W.P.No.11035 of 2021 is disposed of by directing the first respondent bank to take immediate expeditious steps in accordance with law to make over possession of the asset purchased by the petitioner herein.

4. It is recorded that the other respondents, who are the borrowers qua the secured creditor, have submitted that they have instituted proceedings before the appropriate Debts Recovery Tribunal. In the event there is any order of the Debts Recovery Tribunal restraining possession being made over to the petitioner herein, this order cannot be seen to override the embargo of the Debts Recovery Tribunal. However, if no such embargo exists, the first respondent should ensure that the property is made over to the auction-purchaser as expeditiously as possible.



WEB COPY

5. There will be no order as to costs. WMP No.11684 of 2021 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kpl

To

1.The Authorised Officer C.G.Ranjith
Punjab National Bank
Formerly Oriental Bank of Commerce
434, Mayflower Arcade, Oppanakara Street
Coimbatore 641 001.

2.Chief Judicial Magistrate
Tirupur District Court Complex
Tirupur.

+1CC to M. Aswinkumar, Advocate (SR NO.33078)

W.P.No.11035 of 2021

RSV (CO)
PR (20/07/2021)