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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.13119 of 2021

P.Soundarrajan

...Petitioner

Vs.

Andhra Bank
rep. by its Branch Manager/
Authorised Officer
Tirupur Branch
No.64, G.D.Towers
Kumaran Road
Tirupur - 641 601.

...Respondent

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondent to hand over to the petitioner the title deeds relating to the property comprised in Survey No.480/2A, Present Survey No.480/2A2, Vilankurichi Village, Coimbatore sold to the petitioner by Registered Sale Certificate dated 15.05.2019 registered as Document No.3399 of 2019 in Book No.1 in the office of the Sub-Registrar, Ganapathy, Coimbatore.

For the Petitioner : Mr.R.N.Amarnath

For the Respondent : Mr.R.Gowtham Narayanan

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This petition has been filed by the auction-purchaser who has paid the entire consideration and is in possession of the property which has been purchased in course of a sale conducted under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



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2. The only grievance of the petitioner is that the title-deeds pertaining to the property have not been handed over to the petitioner.

3. According to the respondent secured creditor, the title-deeds have been deposited with the Debts Recovery Tribunal, Coimbatore. The secured creditor says that since there is a matter pending before such tribunal and the dues of the borrowers have not been completely discharged, the title-deeds have not been released by the Debts Recovery Tribunal.

4. There is no dispute that the property at S.No.480/2A, present S.No.480/2A2, Vilankurichi village, Coimbatore has been sold by the secured creditor to the petitioner herein under a sale certificate dated May 15, 2019 registered as document No.3399 of 2019 in book No.1 in the office of the Sub-Registrar, Ganapathy, Coimbatore. As far as such property is concerned, neither the secured creditor nor the erstwhile owner thereof nor any borrower can lay any claim thereto as the same has vested completely in the petitioner herein upon the sale being completed and the registration of the sale certificate being recorded.

5. Accordingly, respondent Andhra Bank is directed to ensure that the documents of title pertaining to the aforesaid immovable property are immediately obtained from the Debts Recovery Tribunal, Coimbatore and made over to the petitioner within four weeks from date. The Debts Recovery Tribunal, Coimbatore will act in terms of this order without any delay or demur on its part.

6. W.P.No.13119 of 2021 is disposed of without any order as to costs. W.M.P.No.17979 of 2021 is closed.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Branch Manager/Authorised Officer
Andhra Bank
Tirupur Branch
No.64, G.D.Towers
Kumaran Road
Tirupur - 641 601.

2. The Debt Recovery Tribunal,
Coimbatore.

+1 CC to Mr.R.Gowthamanarayanan, Advocate, Sr.No. 43882.

+1 CC to Mr.R.N.Amarnath, Advocate, Sr.No. 43825.

W.P.No.13119 of 2021

PP(CO)
LS(14/09/2021)