

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14607 of 2020

and

WMP No.18112 of 2020

M/s.Arihant Enterprises,
Rep. By its Partner
Mr.Kishan Kumar Gupta,
C/o.M/s.P.V.Chemitech Adhesives
India Private Limited,
SF No.175/3, Vadakkalur Village,
Annur Taluk,
Coimbatore.

...Petitioner

Vs.

1.The Authorised Officer,
Central Bank of India,
Asset Recovery Branch,
No.48/49, Montieth Road,
First Floor,
Egmore,
Chennai 600 008.

2.Mr.P.Gnanasekaran

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of mandamus to direct the first respondent to handover the plant and machineries morefully described in the schedule to the Sale Certificate dated 05.03.2020 to the petitioner forthwith, failing which to return the sale consideration paid by the petitioner with interest within a time frame determined by this Court.

For Petitioner : Mr.B.Jayesh B.Dolia

For Respondents : Mr.M.L.Ganesh for R1

Mr.Naveen Kumar Murthi
for R2

ORDER
(Made by the Hon'ble Chief Justice)

Pursuant to the order dated February 17, 2021 passed in the present proceedings, the petitioner has removed the movable properties from the site purchased by the second respondent auction-purchaser. The second respondent confirms such position.

2. However, the respondents say that the petitioner had not removed its movable assets from the relevant site despite previous demands and therefore, the petitioner is liable to be proceeded in a claim for damages.

3. The bank points out that the registration of the site of the immovable property in favour of the second respondent could not be made since the movable property at the site would have raised the value of the immovable property.

4. It is evident that W.P.No.14607 of 2020 has worked itself out and no further order is necessary.

5. W.P.No.14607 of 2020 is disposed of. However, it will be open to the parties to lodge claims or rival claims in damages in accordance with law. W.M.P.No.18112 of 2020 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Authorised Officer,
Central Bank of India,
Asset Recovery Branch,
No.48/49, Montieth Road,
First Floor, Egmore,
Chennai 600 008.

+1cc to Mr.Naveen Kumar, Advocate SR.NO..16548

AKM/31.03.21/2P-3C/

W.P.No. 14607 of 2020
12.03.2021