

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15788 of 2020

M.Umashankar ... petitioner

Vs

- 1 The District Magistrate and
District Collector Krishnagiri District
1st Floor Krishnagiri Collectorate
Krishnagiri-635001
- 2 The Tahsildar
Hosur Taluk Kamaraj Colony Taluk Office
Road Hosur
- 3 The Manager
Indian Bank
Hosur Branch RVN Plaza 120/2 Denkanikottah
Road Hosur
- 4 M/s.Victory met Treat India
Pvt Ltd rep by its Managing director R.P.
Appusamy E16 V Phase SIDCO Industrial
Estate Hosur ... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to comply with the order passed by the 1st respondent vide Roc . No. 28163/ 2018 dated 05.04.2019 and handover the physical possession of the property bearing Plot No. E-16 comprised in Survey No.168 measuring to an extent of 535.20 sq.mtr. Vacant land and ACC building situated at ZUZUVADI Village (SIDCOs Industrial Complex-V Phase) of Hosur Taluk Krishnagiri District within the limit of Sub Registration District of Hosur Zuzuvadi Village Panchayat Limit and union Council of Hosur to the petitioner.

For petitioner :: Ms.D.Kamachi
For respondents :: Ms.R.J.Radhika
 Government Advocate,
 for respondents 1 and 2

ORDER

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

The petitioner has apparently purchased a property at an auction sale conducted by the respondent-bank upon steps being taken by the respondent bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The petitioner seeks a direction on the District Collector and the Tahsildar exercising jurisdiction over the immovable property to render assistance to the petitioner. Such authorities owe no obligation to the petitioner and it is for the petitioner to obtain possession from the bank which sold the asset to the petitioner. If the bank requires assistance for the purpose of obtaining possession, the bank has to approach the appropriate authorities in accordance with law. As far as the writ petitioner is concerned, it cannot seek any orders against the District Magistrate or the Tahsildar and has to look to its seller.

3. W.P.No.15788 of 2020 is disposed of without issuing any direction and by leaving the writ petitioner free to approach the respondent bank in accordance with law. If the writ petitioner is aggrieved upon the failure of the bank to make over possession of the property that has been purchased, appropriate action may be instituted, but not by invoking the writ jurisdiction of this Court. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1 The District Magistrate and
District Collector Krishnagiri District
1st Floor Krishnagiri Collectorate
Krishnagiri-635001

2 The Tahsildar
Hosur Taluk Kamaraj Colony Taluk Office
Road Hosur.

3. The Manager,
Indian Bank
Hosur Branch RVN Plaza 120/2 Denkanikottah
Road Hosur.

+1 cc to M/s.Rajendran Raghavan, Advocate Sr.No. 7915

+1 cc to M/s.G.Murugesh kumar, Advocate Sr.No. 7676

+1cc to the Government Pleader, Sr.No. 7684

W.P.No.15788 of 2020

MG(CO)
RMP(22/02/2021)



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