

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.21973 of 2019

B.Noorullah

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Petitioner

Vs

1 The Authorized Officer
and Asst. General Manager Indian Bank-Anna
Salai Branch No. 42 Gee Gee Complex
Chennai 600 002

2 The Branch Manager
Indian Bank-Anna Salai branch No. 42
Gee Gee Complex Chennai 600 002

3 Deputy General Manager
Indian Bank Zonal Office Rajaji Salai 5th
Floor Chennai 600 001

4 General Manager
Indian Bank Zonal office Rajaji Salai 5th
Floor Chennai 600 001.

... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the the 1st Respondent to handover the title deeds and all other documents of the auctioned property situated in S.F.No.147 / 4 New No. 147 / 4 D1 in patta 2002 in Plot No. 73 at Bhavesh Enclave F3 First Floor 1st Street Agastheeswar Nagar Pozhichalur Chennai 600 074 with an undivided share of 426 sq.ft of land with built up area of 750 sq.ft in Tambaram Taluk SRO of Chennai District to the Petitioner within a stipulated time.

For petitioner :: Mr.S.Mukunth

For respondents:: Ms.S.R.Sumathy

ORDER

(made by the Hon'ble Chief Justice)

The auction-purchaser has approached this court for a direction on the respondent-bank to make over the documents of

title pertaining to the immovable property that was sold by the bank as secured creditor to the auction-purchaser pursuant to measures being taken under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The respondent-bank says that the petitioner has approached the court after seven or eight years and the documents cannot be traced out. However, the petitioner contends that the matter has been pursued since 2011 and the bank has been delaying handing over the documents on the one pretext or the other.

2. On behalf of the bank, it is submitted that the documents may have been misplaced. The bank says that it has copies of the original documents and can certify such copy documents to be the exact copies of original documents that may have been misplaced.

3. The writ petitioner has to make do with whatever is available since it does not appear that the bank has deliberately caused any prejudice to the writ petitioner. The documents of title should have been obtained at the outset and the fact that the auction was conducted some seven or eight years back justifies the stand taken by the bank that it may have lost the papers.

4. It is also recorded that upon the bank certifying the veracity of the copy documents, the registering authority should accept the same, unless it has any rival documents that affirmatively establish the title of any other person over that of the relevant debtor of the respondent-bank. It will also be open to the bank to obtain certified copies of the documents, if available, at the office of the sub-registrar. The bank should cooperate with the writ petitioner in such regard so that a good and marketable title is made out in favour of the writ petitioner. The bank should give the certified copy documents to the petitioner within a period of four weeks from date. W.P.No.21973 of 2019 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To:

1.The Authorized Officer
and Asst. General Manager Indian Bank-Anna
Salai Branch No. 42 Gee Gee Complex
Chennai 600 002

2.The Branch Manager

Indian Bank-Anna Salai branch No. 42
Gee Gee Complex Chennai 600 002

3.Deputy General Manager

Indian Bank Zonal Office Rajaji Salai 5th
Floor Chennai 600 001

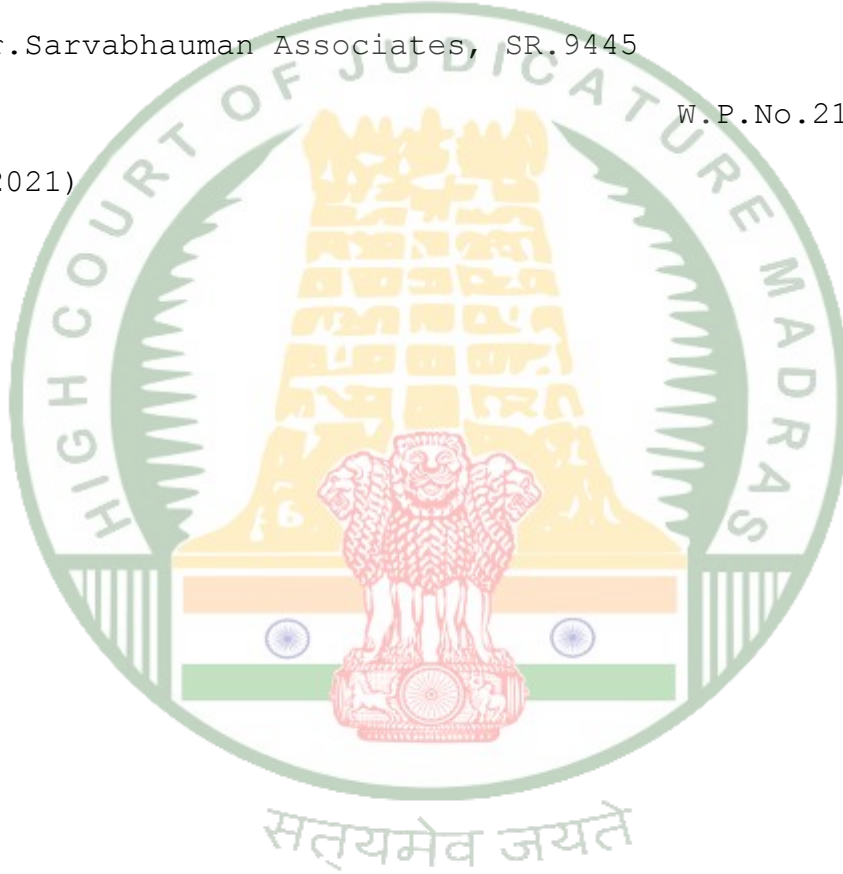
4.General Manager

Indian Bank Zonal office Rajaji Salai 5th
Floor Chennai 600 001.

+1cc to Mr.Sarvabhauman Associates, SR.9445

W.P.No.21973 of 2019

RLD(CO)
CB(02/03/2021)



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