



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.24245 of 2021

V.V.R.Vengatasalam

.. Petitioner

Vs

1. The Recovery Officer,
Debt Recovery Tribunal-II,
6th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Chennai - 600 006.
2. Indian Overseas Bank,
rep. by its Assistant General Manager,
ARM Branch,
No.762, Anna Salai,
Chennai - 600 002.
3. M/s.Solar Designs Pvt. Ltd.,
rep. by its Director AAK Apath Saakayam,
No.1A-Wing, 3rd Floor,
No.602, Parsn Manere,
Anna Salai, Chennai - 600 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to permit the petitioner to participate in the auction sale of the properties situated in Plot No.11, Municipal No.8, New No.15, Ganapathy Colony 1st Street, Gopalapuram, Chennai-86 and Old Door No.19, New No.34, Chinna Thambi Mudali Street, Thiruvatteswaranpet, Chepauk, Triplicane, Chennai-5 which are subject matter in DRC No.616/2017 in O.A.No.633 of 2015 on the file of the Debts Recovery Tribunal-II, Chennai by adjusting the sum of Rs.60,00,000/- paid by the petitioner from the no lien account in 010901000062890 with the second respondent Bank.

For the Petitioner : Mr.Prashant Rajagopal



6. If at all, the petitioner has to chase the borrower to obtain refund of the deposit that he made on behalf of the borrower to the borrower's bank. The petitioner has no cause of action against the bank or any right to complain that the petitioner has been unfairly treated by the bank in the present case.

7. Accordingly, W.P.No.24245 of 2021 is dismissed. Since the petition has been dealt with at the admission stage without disturbing the bank, the petitioner is spared the costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The Recovery Officer,
Debt Recovery Tribunal-II,
6th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Chennai - 600 006.
2. The Assistant General Manager,
Indian Overseas Bank,
ARM Branch,
No.762, Anna Salai,
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W.P.No.24245 of 2021

SMI (CO)
SU(22/11/2021)