

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM :

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

W.P.No.35158 of 2019

Linga Reddy Vijayabhaskara Reddy .. Petitioner

vs.

The Authorized Officer,  
Union Bank of India,  
Asset Recovery Branch,  
No.139, Broadway,  
Chennai-600 108.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to handover vacant possession of 184 Ankanams instead of 174 Ankanams by executing registered sale certificate for 184 Ankanams in favour of the petitioner.

For Petitioner : Mr.P.Sreenivasulu  
For Respondent : Mr.M.Muthuperiasamy

ORDER

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

The petitioner succeeded at an auction sale conducted by the respondent bank in accordance with the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 .

2. The petitioner claims to be ordinarily a resident in the United States of America and the petitioner says that the petitioner verified through e-mail as to the extent of the property. The petitioner was told that all documents pertaining to the property had been filed before the Debts Recovery Tribunal and, in good faith, the petitioner proceeded to participate in the auction and ended up to be the highest bidder.

3. The petitioner claims that now the petitioner has discovered that the entire extent of the property was not

available to be sold and, in any event, there is an alternative land which may be sold in favour of the petitioner. The petitioner says that the other land ought to be adjusted with the land sold in favour of the petitioner and in lieu of the less land made available to the petitioner.

4. The Writ Court is not the appropriate forum to receive the complaint of the present nature. The disputes between the parties herein involve complex calculations and assessment as to the extent of land and the possible damages suffered and may not be conveniently addressed on affidavit evidence in summary proceedings. If the Debts Recovery Tribunal has the authority, it may be for the petitioner to approach such authority; or else, the petitioner has to institute a properly constituted suit before the appropriate civil Court for diminution of the consideration or any other remedy that the petitioner may be entitled to in accordance with law.

5. Accordingly, since the matters complained of herein ought to be made the subject-matter of a suit or the subject-matter of any proceedings before the appropriate Debts Recovery Tribunal, the writ petition is not entertained. It is made clear that the merits of the petitioner's claim have not been gone into.

6. W.P.No.35158 of 2019 is dismissed as above. There will be no order as to costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

The Authorized Officer, सत्यमेव जयते  
Union Bank of India,  
Asset Recovery Branch,  
No.139, Broadway,  
Chennai-600 108.

+1cc to Mr.M.Muthuperiasamy, Advocate, S.R.No.17663.  
+1cc to Mr.P.Sreenivasalu, Advocate, S.R.No.17889.

W.P.No.35158 of 2021

AAB (CO)  
CSR 15.04.2021