



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.11467 of 2021

P.Subramanian

....Petitioner

Vs.

1.The Authorized Officer,
Madurai Chinthamani Branch,
Tamil Nadu Mercantile Bank,
Chinthamani,
Madurai District.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Chinthamani Branch,
74-75, Kamarajar Salai,
Madurai-9.

3.M/s.Vishnu Steels,
Rep.by its Partner,
Mr.V.Shanmuga Sundaram,
S/o.Velayutham,
Door No.516B, Block No.25,
Cumbum Village,
Uthamapalayam Taluk,
Theni District.

4.The Regional Manager,
Tamil Nadu Mercantile Bank Ltd.,
No.30, Besant Road,
China Chokkikulam,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a writ of Mandamus, directing the 1st, 2nd and 4th respondents to take appropriate steps and hand over physical possession of the auction purchased property as per law, within a time frame that may be fixed by this Court and provide adequate compensation to the petitioner for the delay of two years,

<https://hcservices.ecourts.gov.in/hcservices/>



WEB COPY

in doing so.

For Petitioner : Mr.Niranjana S.Kumar
For Respondent : Mr.N.Dilip Kumar
for R1 & R2.

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.Niranjana S.Kumar, learned Counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Counsel appearing for respondents 1 and 2.

3.The petitioner seeks for writ of Mandamus, directing the 1st, 2nd and 4th respondents to take appropriate steps and hand over physical possession of the auction purchased property as per law, within a time frame that may be fixed by this Court and provide adequate compensation to the petitioner for the delay of two years, in doing so.

4.The prayer sought for is not maintainable as it flows from a private contract of purchase of an asset which was put up for public auction by the respondent bank. The petitioner's grievance is that he has participated in the auction cum sale, declared as a successful bidder, sale certificate has been issued, yet, no steps have been taken to take physical possession of the property and hand over the same to the petitioner. On these facts the prayer sought for cannot be granted.

5.Learned Counsel for the respondent bank submitted that already the respondent bank filed a petition under Section 14 of the SARFAESI Act in SR.No.460 of 2021, before the Chief Judicial Magistrate, Theni and it is yet to be numbered.

6.We direct the respondent bank to take effective steps to number the application at the earliest and seek for necessary orders from the Hon'ble Chief Judicial Magistrate, Theni.



7. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR

Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-21814[F] dated 09/07/2021)

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-22186[F] dated 12/07/2021)

Order made in
W.P. (MD) .No.11467 of 2021
09.07.2021

MGJ(19.07.2021) 3P 3C