



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14337 of 2021

and

W.M.P. (MD)No.11267 of 2021

Anitha

... Petitioner

Vs.

The Tamil Nadu Mercantile Bank Ltd.,
represented by the Authorized Officer,
Vandiyur Branch,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.750 of 2020, dated 02.08.2021, based on the application, under Section 14(1) (2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, filed by the respondent herein and quash the same as illegal.

For Petitioner : Mrs.A.Banumathy

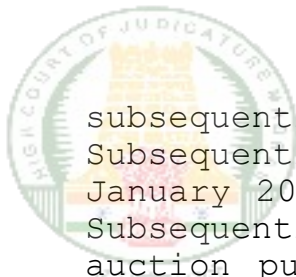
For Respondents : Mr.N.Dilipkumar

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

Challenging the order passed in Cr.M.P.No.750 of 2020, on the file of the Chief Judicial Magistrate, Madurai, under Section 14 of the SARFAESI Act, the borrower has filed the above writ petition.

2. The petitioner availed a loan from the respondent Bank in the year 2019 and her account became Non Performing Asset in the very same year. The respondent Bank initiated proceedings under the SARFAESI Act, by issuing notice under Section 13(2) of the Act and



subsequently to take possession under Section 13(4) of the Act. Subsequently, the secured asset was brought to sale in the month of January 2020 and the sale was also confirmed on the very same day. Subsequently, a sale certificate was also issued in favour of the auction purchaser and the same was also registered in his favour. Since the auction purchaser sought for possession of the purchased property from the respondent Bank, the Bank filed an application under Section 14 of the SARFAESI Act before the Chief Judicial Magistrate, Madurai. The Chief Judicial Magistrate, by his order dated 02.08.2021, appointed an Advocate Commissioner to take possession of the property.

3. In the said Cr.M.P., the petitioner filed her objection statement, wherein in paragraph No.18, she has only sought for time till May 2021 or 30.04.2021 for handing over the possession of the property. Now, we are in mid August 2021 and till now, the petitioner has not handed over the possession of the property to the respondent Bank. We do not find any error or irregularity in the order passed by the Chief Judicial Magistrate. Hence, this Writ Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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.DILIPKUMAR, Advocate (SR-26314[F] dated 13/08/2021)

W.P(MD)No.14337 of 2021

13.08.2021

MGJ (24/08/2021) 2P 2C