



W.P.No.27177 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27177 of 2022

State Bank of India
Stressed Asset Recovery Branch
Indian Red Cross Society Building,
No.32, Montieth Road,
Egmore, Chennai 600 008.
Represented by its Authorised Officer

... Petitioner

Vs

1. The District Revenue Officer,
V.O.C. Nagar, Chengalpattu 603 001.
2. Tahsildar,
Vandalur Taluk Office,
Otteri, Peerkankaranai,
Vandalur, Chennai 600 048.
3. Sub Registrar,
No.29, South Mada Street,
Thiruporur 603 110.
4. Additional Chief Secretary/
Commissioner of Land Administration,
Ezhilagam complex, Chepauk,
Chennai 600 005.

..Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the 4th respondent to dispose of the appeal dated 01.02.2022 submitted as per Para (1) (iii) of the letter of 4th respondent dated 11.12.2019 within a time frame as fixed by this Honble Court and pass orders.

For Petitioner : Mr.O. Padma Prakash

For Respondents 1,2 and 4 : Mr. U.Baranidharan
Additional Government Pleader

For Respondent-3 Mr.G.KRishna Raja
Additional Government Pleader

O R D E R

This writ petition is filed seeking for issuance of Writ of Mandamus directing the 4th respondent to dispose of the appeal dated 01.02.2022 submitted as per Para (1) (iii) of the letter of 4th respondent dated 11.12.2019.

2. The brief facts relating to the case in nutshell is as follows.

2.1. The Petitioner-bank advanced loan to one G. Ravikumar and R.Shantha Kumari for two vacant lands each comprising 1500 square feet,



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bearing plot Nos.19 and 20. However, the mortgagor failed to pay the loan amount hence, the Petitioner- Bank initiated auction proceedings and issued sales certificate to the person who purchased the property and when the sales certificate was presented for registration the same was refused by the 3rd respondent due to the reason that the subject land was classified as “Anadeenam land”.

2.2. Thereafter the Petitioner-Bank came to know that the Commissioner of Land Administration by an letter dated 11.12.2019 issued a communication to the Inspector General of Registration not to entertain any documents in respect of lands which has been classified as “Anadeenam land”.

2.3. Aggrieved over the same the Petitioner-Bank filed an appeal before the 4th respondent herein on 01.02.2022 to remove the encumbrance in the subject property for which the Petitioner-Bank had granted loan. To dispose of the said appeal, the petitioner has filed the present petition.



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3. The learned counsel for the petitioner submits that in the communication dated 11.12.2019 issued by the Inspector General of Registration there is no specification about the survey numbers and villages. Hence the refusal made by the 3rd respondent not to register the sales certificate issued by the Petitioner-Bank is not sustainable as there is no restrain order against the subject land.

4. The learned Additional Government Pleader submits that the Petitioner-Bank is a mortgagee and there is no provision for the mortgagee to request for re classification of the property. Hence there is ground for the Mortgagee/Petitioner-Bank either to request for reclassification of land or to file an appeal. Therefore prays for dismiss this petition.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



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6. Admittedly the facts of the case are not in dispute. The Petitioner-Bank advanced loan to the borrower, who has failed to re-pay the loan amount and thereafter the Petitioner- Bank initiated auction proceedings and issued sales certificate to the person who purchased the property and when the sales certificate was presented for registration the same was refused by the 3rd respondent due to the reason that the subject land was classified as “Anadeenam land” hence the petitioner filed an appeal before the 4th respondent for reclassification of land.

7. This Court is of the opinion as the petitioner being a nationalised bank ought to have verified about the authenticity of the documents produced before them before granting loan, in the instant case the Petitioner-Bank have ascertained the details of the subject property only after granting of loan which is not the correct procedure.

8. In view of the above it is made clear as there is no legal provision for



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the Mortgagee/Petitioner-Bank either to file an appeal or for request for re-classification of land, when that being the case, the question of dispose of the appeal filed by the petitioner/Bank which is the prayer sought for by the petitioner cannot be granted by this Court. Accordingly this petition is dismissed. No order as to costs.

31.10.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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M.DHANDAPANI,J.

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