



W.P.No.1604 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

W.P.No.1604 of 2022

1. V.Balakrishnan
2. S.Thilagavathi
3. M.Vasu
4. S.Sudhamani

.. Petitioner

Vs.

1. The Authorised Officer
State Bank of India
Stressed Asset Management Branch
No.377/1, Dr.Nanjappa Road
Coimbatore 641 018.

2. G.Sadayaraj

[R2 impleaded vide order dated
23.03.2023 in W.M.P.No.9057 of 2023
in W.P.No.1604 of 2022]

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the Respondent Bank to hand over physical possession of the secured asset namely,



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- i. All the piece and parcel of the land at Erode Registration District Bhavani Sub Registration District, Bhavani Village, Ward B, Block 19 in TS.No.88 R.S. No. 819 / 4 820 / 5 822 and 823 /1 admeasuring an extent of 4686. 50 Sq.Feet of land with covered car parking;
- ii. All the Piece and Parcel of the land at erode Registration District Bhavani Sub Registration District, Bhavani Village, Ward B, Block 19 in TS.No.88 R.S.No.819/4, 820/4, 820/5, 822 & 823/1 admeasuring an extent of 1522 Sq. feet of land with covered car parking;
- iii. All the piece and parcel of the land at Erode Registration District Bhavani Sub Registration District, Bhavani Village, Ward B, Block 19 in TS.No.88 R.S. No. 819 / 4 820 / 5 822 and 823 /1 admeasuring an extent of 4300 Sq. feet of land with covered car parking;
- iv. All the piece and parcel of the land at Erode Registration District Bhavani Sub Registration District, Bhavani Village, Ward B, Block 19 in TS.No.88 R.S. No. 819 / 4 820 / 5 822 and 823 /1 admeasuring an extent of 1518 Sq. feet of land with covered car parking.

For the Petitioner : Mr.G.Munuraj

For the Respondents : Mrs.S.R.Sumathy
for R1

Mr.E.Prabhu
for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.Munuraj, learned counsel for the petitioner,
Mrs.S.R.Sumathy, learned counsel for the first respondent and
Mr.E.Prabhu learned counsel for the second respondent.



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2. Learned counsel for the petitioner submits that the petitioner is the auction purchaser, but the sale certificate is not registered nor possession is handed-over.

3. Learned counsel for the Bank submits that there is a Securitisation Application i.e. S.A.No.455 of 2017 filed by the borrower and the same is pending before the Debts Recovery Tribunal, Coimbatore.

4. In C.R.P.No.2556 of 2017, filed by the borrower, a Division Bench of this Court on 29.10.2018 had granted stay and the same was to be continued till the disposal of the appeal. Under the same order, this Court had directed the O.A. and S.A. proceedings to be disposed of within a period of four months.

5. Almost five years have lapsed. The same is not yet decided. It is high time the Debts Recovery Tribunal complies with the order passed by this Court dated 29.10.2018 in C.R.P.No.2556 of 2017. If



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the parties do not cooperate in expeditious disposal, the power is vested with the Debts Recovery Tribunal to proceed further.

6. The Debts Recovery Tribunal, Coimbatore shall decide the S.A. and O.A. pending before it expeditiously within a period of six months. Compliance report of the same shall be forwarded by the Debts Recovery Tribunal, Coimbatore.

7. The writ petition, as such, stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.1742 of 2022 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

31.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The Authorised Officer
State Bank of India
Stressed Asset Management Branch
No.377/1, Dr.Nanjappa Road
Coimbatore 641 018.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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