



WEB COPY



W.P.No.7635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7635 of 2023

N.A.Marimuthu @ Natarajan

...Petitioner

Vs.

1. The Chief Manager,
Indian Overseas Bank,
Salem Main Branch,
6/671, Car Street,
1, Agraharam, Salem-636 001.

2. The Sub Registrar,
O/o.The Sub Registrar,
Valapadi, Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to execute and register the Sale Deed in petitioner's favour in respect of the property situated at Survey Nos.134/6A (0.05 Acres), 135/4 (0.83 Acres), 134/5A (0.37 Acres), 135/2A (0.94 Acres), 135/2B (0.75 Acres) and 135/3 (0.78 Acres) totally measuring 3.72 Acres, Chandrapillai Valasu Village, Valappady Taluk, Salem District, Valappady Sub Registration District within a stipulated time frame based on petitioner's representation dated 07.02.2023.

For Petitioner : Mr.I.Abrar MD Abdullah



W.P.No.7635 of 2023

WEB COPY

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 07.02.2023 and to consequently execute and register the Sale Deed in petitioner's favour in respect of the subject property.

2. The case of the petitioner is that the property comprised in S.Nos.134/6, 135/4, 134/5, 135/2 and 135/3, totally measuring an extent of 3.72 Acres, situated at Chandrapillai Valasu Village, Salem District originally belonged to one Arunachala Padayachi, who availed a loan from the 1st respondent bank by mortgaging the said property. Since, he defaulted in repaying the loan amount, the 1st respondent initiated a Suit against the said Arunachala Padayachi in O.S.No.15/1979 and the same was decreed in favour of the 1st respondent bank and subsequently, the 1st respondent bank filed a Execution Petition in E.P.No.325 of 1981 and Sale Certificate was issued in favour of the 1st respondent on 28.07.1984. Pursuant to which, the subject property was auctioned on 15.12.1983, as no one came forward to purchase the said property, the 1st respondent bank has



W.P.No.7635 of 2023

taken the property to their name, and the said sale was also confirmed by the Court on 02.02.1984. Thereafter, the petitioner and the 1st respondent entered into a sale agreement on 12.12.1989, pursuant to which, the petitioner paid the entire amount as per the said sale agreement. However, the 1st respondent bank has not executed the sale deed in favour of the petitioner in respect of the subject property. Therefore, the petitioner made a representation dated 07.02.2023 to the 1st respondent seeking to execute sale deed in his favour, however, till date, no orders have been passed on the same. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, though the petitioner paid the entire amount as per the Sale Agreement dated 12.07.1989, till date, the 1st respondent bank has not executed Sale deed in favour of the petitioner. He further submitted that, even the 1st respondent bank vide its letter dated 12.03.2020 addressed to the Law department of the 1st respondent bank, has also recommended for execution of sale deed in favour of the petitioner in respect of the subject property by issuing non-traceable certificate, which was also not implemented. Hence, it would suffice if this Court issues direction to the 1st respondent bank to consider



W.P.No.7635 of 2023

the petitioner's representation dated 07.02.2023 and executed sale deed in favour of the petitioner in respect of the subject property as expeditiously as possible.

4. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's representation dated 07.02.2023 in the light of its very own letter dated 12.03.2020 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order, if there is no legal impediment.

5. With the above observations and directions, this Writ petition is disposed of. No costs.

14.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Chief Manager,
Indian Overseas Bank,

4/6



WEB COPY



W.P.No.7635 of 2023

Salem Main Branch,
6/671, Car Street,
1, Agraharam, Salem-636 001.

2. The Sub Registrar,
O/o.The Sub Registrar,
Valapadi, Salem District.

M.DHANDAPANI, J.

skt

W.P.No.7635 of 2023



WEB COPY



W.P.No.7635 of 2023

14.03.2023