



W.P.No.8858 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

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

AND

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

W.P.No.8858 of 2022

K.Subburaj

.. Petitioner

Vs.

1. The Presiding Officer
Debt Recovery Tribunal
Madurai.
2. The Authorised Officer
Indian Overseas Bank
Regional Office
Thirunagar Colony
Erode.
3. The Branch Manager
Indian Overseas Bank
Rajan Nagar, Sathyamangalam
Erode District.
4. Palanichamy
5. T.Saravanakumar



W.P.No.8858 of 2022

6. The District Collector
Erode District.

.. Respondents

[R6 impleaded vide order
dated 06.07.2023]

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the second and third respondents to invoke Section 14 of the SARFAESI Act and Rule 9(9) of the Security Interest (Enforcement) Rules, 2002 and hand over the physical possession of the property to the petitioner from the fourth and fifth respondents as per the sale certificate issued by the second respondent on behalf of the third respondent registered before the Sub Registrar, Sathyamangalam in Document No.2321 of 2013 dated 25.04.2013 and by virtue of verdict passed by the Debt Recovery Tribunal, Madurai – the 1st respondent herein in I.A.No.993 of 2009 and I.A.No.40 of 2010 in S.A.SR.No.2410 of 2009 dated 04.12.2012 by considering the representation of the petitioner dated 05.01.2022 in the light of the precedents reported in 2018 (2) CTC 569 within a reasonable time to be fixed by this Hon'ble Court.

For the Petitioner : Mr.Ilayarajakumar
For Mr.N.Sankar Ganesh

For the Respondents : Mr.Benjamin George
for Respondents 2 & 3

Mr.C.T.Saravanan
for Respondents 4 & 5

Mr.P.Muthukumar
State Government Pleader
for Respondent-6



W.P.No.8858 of 2022

WEB COPY

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.Ilayarajakumar, learned counsel for Mr.N.Sankar Ganesh, learned counsel for the petitioner, Mr.Benjamin George, learned counsel for the respondents 2 and 3, Mr.C.T.Saravanan, learned counsel for the respondents 4 and 5 and Mr.P.Muthukumar, learned State Government Pleader for the sixth respondent.

2. The grievance of the petitioner is that in the year 2009, sale certificate has been issued to him, but the respondent bank has not taken steps to hand over the possession even by resorting to Section 14 of the SARFAESI Act.

3. Learned State Government Pleader submits that though the application was filed in the year 2009, there were certain discrepancies in the survey number and the documents were not filed. Even if today the said discrepancies are rectified and the documents filed, the



W.P.No.8858 of 2022

authority would proceed further.

4. Learned counsel for the bank submits that in the year 2012, the documents as required were filed and the compliance was made.

5. The authorised officer of the bank shall remain present before the concerned authority on 01.08.2023 and shall comply with all the defects as may be observed by the authority. Upon compliance being made, the authority shall take immediate steps under Section 14 of the SARFAESI Act with regard to the delivery of possession, of course if there are no other prohibitory order in force.

6. With the aforesaid observation, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

Page 4 of 6



W.P.No.8858 of 2022

WEB COPY

To

1. The Registrar
Debt Recovery Tribunal
Madurai.
2. The Authorised Officer
Indian Overseas Bank
Regional Office
Thirunagar Colony
Erode.
3. The Branch Manager
Indian Overseas Bank
Rajan Nagar, Sathyamangalam
Erode District.



WEB COPY



W.P.No.8858 of 2022

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

(kpl)

W.P.No.8858 of 2022

18.07.2023